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John Alexander Dickman

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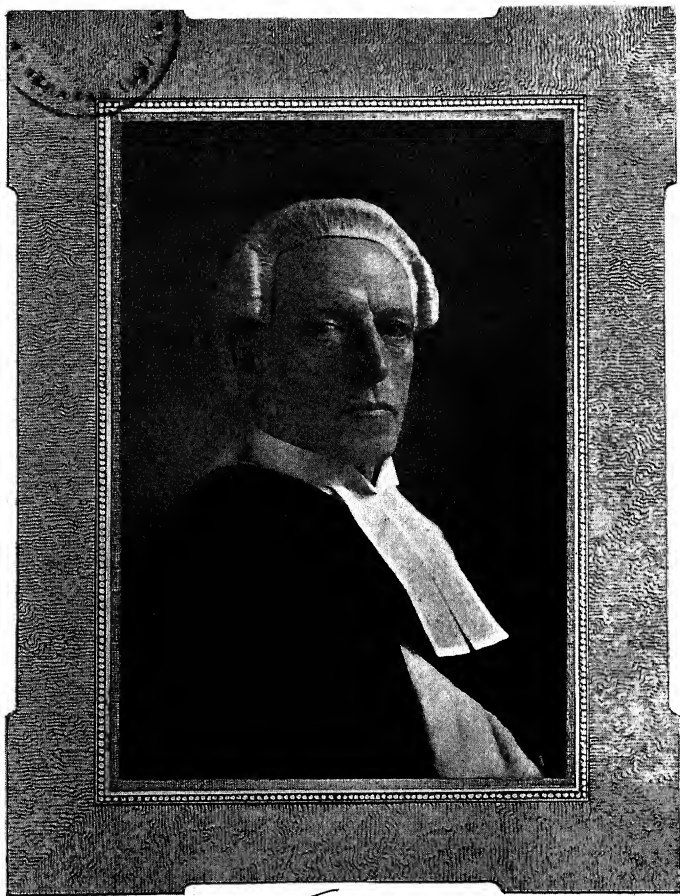
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— Coleridge —

The Right Hon. Lord Coleridge.

Trial of John Alexander Dickman

EDITED BY

S. O. Rowan-Hamilton

BARRISTER-AT-LAW OF
LINCOLN'S INN AND THE NORTH-EASTERN CIRCUIT

ILLUSTRATED

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BY
WILLIAM HODGE AND COMPANY, LTD
GLASGOW AND EDINBURGH

TO
THE RIGHT HONOURABLE LORD COLERIDGE,
ONE OF THE JUDGES OF THE HIGH COURT
OF JUSTICE,
THIS VOLUME IS
RESPECTFULLY DEDICATED
BY,
THE EDITOR

PREFACE.

WHEN the Criminal Evidence Act of 1898 was passed, enabling a prisoner in every case to give evidence, the opponents to the bill protested that the onus on the part of the prosecution to prove their case would be shifted to the prisoner, who would be required henceforward by juries to prove his innocence. There is little doubt that this has come to pass. The question is not, has the Act led to the conviction of the guilty? but has it led to the conviction of any innocent person? Usually it is, of course, a great advantage for the accused to be able to go into the box and tell his own story. But those who think that it is so always, show but a slight knowledge of the practical side of a criminal Court. The appearance, demeanour, and in those cases where the past character of the accused is admissible, all these things count in the eyes of the jury. A man of slow comprehension, cross-examined by an astute counsel, by the very stupidity of his answers, often leaves a damaging impression on the minds of the twelve, and convicts himself. A totally different impression might be created by a nimble liar.

But one thing is certain—juries now expect to see the accused in the witness-box. The judge, too, has the power of commenting, and frequently does comment, on the fact that the prisoner has not come forward in his own interests to protest his innocence—a dangerous risk for an advocate to run.

Opinions doubtless differ, but many, I feel sure, will contend that, if it had been possible to keep Dickman out of the witness-box, the probability is that the jury would have acquitted him, on the ground that the prosecution had failed to satisfy them entirely as to his guilt.

I wish to express my sincere thanks to the Director of Public Prosecutions, Sir Charles Mathews, for his kindness in placing the shorthand notes of the trial at my disposal; to Mr. Mitchell Innes, K.C., for lending me the maps and plans for the purpose of having them copied; to the editor of the *Newcastle Chronicle* for his courtesy in allowing me to reprint the speeches of counsel; to Messrs. Stevens & Haynes in allowing me to include the proceedings in the Court of Criminal Appeal, taken from the Criminal Appeal Reports, edited by Mr. Cohen; lastly, to the Council of Law Reporting, in permitting the publication of Mrs. Nisbet's claim for compensation under the Workmen's Compensation Act, 1906, reprinted from the Law Reports, 1910, 2 K.B. 689.

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JOHN ALEXANDER DICKMAN.

INTRODUCTION.

Since the introduction of railways only seven murders have been committed in railway carriages in England. The first was perpetrated on 9th July, 1864, by Franz Müller.* The second was when Lefroy murdered Mr. Isaac Gold on the L.B. & S.C. Railway in 1881. The next, in 1897, remains a mystery. The victim was a Miss Camp, whose dead body was found in a second-class compartment on 12th February, 1897, on the arrival of the L. & S.-W. train from Feltham, at Waterloo. A chemist's pestle with blood and hair upon it was found on the side of the line, and, it is supposed, was thrown out of the carriage window after the crime was committed.

The fourth in 1901, a Mr. Pearson being murdered in a train near Wimbledon; and the fifth in 1905, known as the "Merstham Tunnel" mystery, on the L.B. & S.C. Railway. The verdict of the jury at the inquest in this case was—"That Miss Money met her death by severe injuries brought about by a train, but the evidence was insufficient to show whether she fell or was thrown from a train."†

* An account of this murder and trial, edited by Mr. H. B. Irving, forms a companion volume to the present.

† On 19th August, 1912, a fire broke out at a corner house at Enys Road, Eastbourne. In the burning house were found the bodies of a man, his wife and child, and two other children; all had been murdered. The mother of the two children escaped a like fate, but had received two bullet wounds in the neck. On the mantelpiece was a piece of paper on which were the words "Am absolutely ruined and have killed all who were dependent on me. Would like all to be buried in one grave. God forgive me."

Such a primitive method of overcoming your own and other people's difficulties naturally created a sensation. But it was not till some weeks had elapsed that it was discovered that this murderer and suicide, known under the name of Robert Hicks "Murray," was the brother of Miss Money. The murdered woman and the one who escaped were sisters. He married them both, and succeeded in keeping them apart and in ignorance of it.

Perhaps so desperate a criminal could have thrown some light on the Merstham Tunnel mystery beyond the evidence he gave at the inquest.

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The sixth took place on 18th March, 1910, when a Mr John Nisbet was found murdered on the main line of the North-Eastern Railway. This murder forms the subject of the following pages. The seventh railway tragedy is still unsolved. On 8th January, 1914, Wilhe Starchfield, aged five, was sent on an errand. As he did not return, information was given to the police. His parents were separated, the child living with his mother, the father earning a somewhat precarious livelihood by selling papers. In the afternoon of the same day the body of the boy was discovered under the seat of a third-class carriage at Haggerston station, on the North London railway. There was no signs of any struggle in the carriage. Death had been caused by strangulation with a piece of string. The father, at the present time, stands accused, on the coroner's inunction, of the murder.

The publication of the report of a notable trial is not intended as a sop to the curious or as a feast for the morbid; it fulfils a far more honourable purpose. To students of law the reports of these trials are not books merely recording an exciting episode; they are volumes from which much information can, after labour, be extracted, and much of practical use can be learned from. careful study of the work of the eminent counsel engaged in them. After a notable trial the newspapers generally publish a large amount of correspondence from persons setting forth their views of what the verdict of the jury should have been. Few of these, who seek a morning notoriety, have attended the trial from beginning to end. They have read a *résumé* of what the reporter considers will most interest the general public—not necessarily what is of most importance—and have formed their conclusions on these slight materials. After the trial of Dickman the papers were filled with this type of letter, denouncing the verdict of the jury as "vicious and ill-considered," &c. It is hoped that the publication of the evidence in full, will afford to many food for reflection and comfort to the sceptical.

Before dealing with the facts of the case, attention should be drawn to one other circumstance. From the moment of the discovery of the tragedy, it is no exaggeration to say the whole of England rang for a few days with the murder. The Press, carefully cultivating the curiosity of the public, did their best

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to supply them with every detail that could be discovered. The usual sensational headlines appeared, showing what a wealth of English is at the command of the journalist. In the south the public excitement soon abated, replaced by something more recent. But in the north it was kept alive by the supposed "clue" in London, the arrest of Dickman, the funeral of the murdered man, John Nisbet (which was attended by such a vast concourse eager to gratify their morbid taste that the gates of the cemetery had to be closed long before the arrival of the cortège), and many other rumours personal to both the deceased and Dickman—an interest kept alive right up to the date of the trial, so that the question forces itself upon one, ought not the venue to have been changed to some place where the same interest would not have been taken in the proceedings? Was it possible to select twelve jurymen from the locality with their minds unaffected by prejudice or tainted by the rumours that filled the air? Public opinion had grown so strong on the morning of Dickman's trial, Monday the 4th July, 1910, that while he was being removed from the gaol to the Moot Hall thousands lined the road, booing and vociferating as he passed, hidden from view in the prison van; while even old women, old enough to have acquired some restraint over their feelings, and some silent pity for others, gathered up their petticoats, and joining in the crowd, ran as far as they could behind the van, shouting their execrations.

Inside sat John Alexander Dickman on his way to a trial that "might" end in his death.

Have such scenes as these no effect on a jury, however much they may be determined to find their verdict according to the evidence produced before them?

I venture to think that this is a matter demanding the most serious attention of the authorities. The disgraceful, nay, terrible, sights witnessed in the streets of London when Dr. Crippen was produced at Bow Street, scenes which were repeated after every remand before the magistrates and every adjournment at his trial, scenes only credible in a half-civilised country, do not they demand the suppression before trial of the evidence collected and published in detail by enterprising newspapers, and written up in the manner most likely to achieve for them a large sale? Doubtless these congratulate themselves

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on the "power of the Press," or on their being "a factor in eliciting the truth" and other high-faluting sentences, but one knows perfectly well the one object they hold steadily in view is to increase the sale of their paper. Nothing sells better than an account of an atrocious murder. The result of such publication is that the more horrible, mysterious, and notorious the crime, the less chance is there that the trial will be before an impartial jury. To the accused it constitutes a real danger. A miscarriage of justice arises at the present time, not from the secrecy, but from the publicity of the proceedings. Dr. Crippen, and to a lesser degree John Dickman, were both convicted before they were placed in the dock.

The King's Bench Division of the High Court of Justice has jurisdiction to change the place of trial of any felony or misdemeanour whenever it is necessary for the purpose of securing a fair trial. An Act, known as the Palmer Act,* was specially passed in order to have the trial of Dr. Palmer, the poisoner, removed to London owing to the violent prejudice the case had excited in the Midlands. The Act extends to all trials thereafter. The difficulty in making such an application lies in gauging the barometer of public interest some time before the trial, and therefore in persuading the King's Bench of the necessity of removing it to another place. The intense interest and the prejudice the case of Dickman excited were never realised till the very morning of the trial—too late for any such application to be made.

On Friday, 18th March, 1910, a train left Newcastle at 10.27 a.m., stopping at all the stations till Alnmouth was reached, where it was due at 12 8 p.m., a distance of $34\frac{3}{4}$ miles. It was quite a short train, consisting of a luggage van and three compartment carriages, and in the one next to the engine John Innes Nisbet was travelling. He was a clerk and book-keeper in the employ of the Stobswood Colliery Company, and it was part of his duties to proceed on alternate Fridays to pay the wages at the colliery half a mile away from Widdrington station. The amount of money required varied, but on this occasion he took with him £370 9s 6d. His employers handed him a cheque, which he cashed at Lloyd's Bank, putting the

* 19 & 20 Vict. c 16, s. 1.

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coin received in canvas bags, into a small leather bag, which he locked, retaining the key. Nisbet was seen by a Mr. Charles Raven going in the direction of No. 5 platform (from which the train started), apparently in company with another man whom he knew by sight, but not by name. Wilson Hepple, an artist, had taken a seat in the rear of the train, and was walking up and down outside his carriage, when he saw Dickman, whom he had known for many years, pass with a man, a stranger to him, towards the front part of the train. One of them had his hand on the handle of the compartment, but when he turned round again both had disappeared. Two cashiers, Hall and Spink, were also travelling on the same errand as Nisbet, but to their respective collieries. Hall, on looking out of the window just before the train started, saw Nisbet coming along the platform with another man wearing a light overcoat, and noticed Nisbet open the door of the compartment behind theirs and get in, followed by his companion.

On these fortnightly pay journeys it had been the custom of the murdered man's wife to meet her husband on the platform at Heaton, where they lived, and to have a few moments' conversation with him. Heaton is the second station from Newcastle, and on this occasion Mrs. Nisbet found he was travelling in the front part of the train, whereas he was usually in the rear. Nisbet, however, looked out of the window, but it took her some seconds to reach his compartment. The carriage had stopped under the shadow of a tunnel outside the station, but Mrs. Nisbet had just time to observe he was not alone, for she noticed a man was seated at the far end of the carriage, and that the collar of his light overcoat was partly turned up. The train proceeded on its way to Stannington, at which station the clerks, Hall and Spink, left their carriage, Hall nodding in a friendly way as he passed to Nisbet; they, too, noticed he was not alone. The next station to Stannington is Morpeth, a run of $2\frac{1}{2}$ miles, timed to occupy six minutes. On the arrival there a man gave up to Athey, the ticket collector, the outward half of a return ticket from Newcastle to Stannington and $2\frac{1}{2}$ d., which is the correct excess fare. Beyond noticing that he was wearing a loose overcoat, he left no particular impression on Athey. During the time the train stopped at Morpeth to take up water—a matter of about four minutes—a

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passenger in passing to find a comfortable seat, looked casually into the third compartment of the first carriage, which was apparently empty, and he passed on.

On the train arriving at Alnmouth, the foreman porter, William Charlton, on opening the door of the third compartment in the first carriage, made a gruesome discovery. From under the seat came three streams of blood, and on his bending down he discovered the body of a man lying face downwards and pushed as far back as possible. Examination showed the unfortunate person had been shot in no less than five places in the head. A broken pair of spectacles showed that life had not been surrendered without a struggle.

A soft felt hat on the floor of the carriage led to the identification of the deceased as Mr. James Nisbet. A post-mortem examination disclosed two cut of the five bullets were still lodged in his head, one of which was an ordinary lead bullet, but the other was nickel capped. As they were of different calibre, it was clear that the murderer had needed two revolvers to accomplish successfully his foul work *

A reward of £100 was at once offered by the employers of the murdered man in the following terms:—

“ £100 REWARD

“ MURDER.

“ Whereas on the 17th March, 1910, John Innes Nisbet, a clerk or cashier, late of 180 Heaton Road, Newcastle, was murdered in a third-class carriage on the North-Eastern Railway between Newcastle and Alnmouth, and a black leather bag containing £370 9s. 6d. in money (mostly gold and silver), which was in charge of the deceased man, was stolen.

“ A man of the following description was seen in the same carriage as the deceased at Newcastle and Stannington railway stations, and appeared to be on friendly terms with the deceased:—About thirty-five to forty years of age, about 5 feet 6 inches high, about 11 stones in weight, medium build; heavy, dark moustache, pale or sallow complexion; wore a

* See p. 11 of the Introduction.

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light overcoat, down to his knees; black, hard, felt hat; well dressed and appeared to be fairly well to do.

“The above reward will be paid by the owners of the Stobswood Colliery, near Widdrington, to any person (other than a person belonging to the police force in the United Kingdom), not being the actual murderer, who shall be the first to give such information and shall give such evidence as shall lead to the discovery and the conviction of the murderer or murderers.”

Rumour, as usual, was not silent; the murderer had been seen in many places, and in London had offered a drink to a 'busman, showing him at the same time a handful of gold. With surprising swiftness the man was traced, but, promptly proving his right to the money, he was equally promptly discharged. Information, however, reached the police that Dickman had been in the company of the deceased, and Detective Inspector Tait called at his house. He was not cautioned, nor can one gather that he was at the time looked upon other than as a witness whose evidence might be useful to the police. After some conversation Dickman told the inspector he had seen Nisbet on the morning of the murder, had booked his ticket at the same time, had travelled by the same train, but had not seen him after the train started, as he did not travel in the same compartment. Asked if he would make a statement at the police office, he at once acquiesced, and accompanied by the inspector went there and made a voluntary statement which was written down, read over to him, and signed by him as correct.

The statement, which appears in full in the evidence of Superintendent Weddell, described his movements at the station on the morning of the 18th March—how he travelled in a carriage at the end of the train, passed Stanington station without noticing it and got out at Morpeth, paying an excess fare of 2½d.; after starting to walk back to Stanington he was taken ill and returned to Morpeth to catch the 1.12 p.m. train back to Newcastle. This he missed, but took the 1.40 p.m. instead. While waiting for this train he left the station, walking towards the town, meeting a man called Elliott, with whom he conversed for a few moments. In

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conclusion he said that the object of his journey was to see a Mr. Hogg at Dovecot Colliery. This statement being in contradiction to evidence already in the possession of the police, Dickman was at once arrested.

The police visited his house, and found in a bureau some pawn tickets for small articles pawned in the name of "John Wilkinson," one of which was pawned the day before the murder. In the same bureau were also found a life preserver and two pass-books, one relating to an account at the National Provincial Bank and the other to an account at Lambton's (now amalgamated with Lloyd's). Amongst the clothing seized by the police were a pair of trousers and a pair of suede gloves, which were found, after expert examination, to have blood stains on them. No revolvers were—or ever have been—discovered.

The question of the identification of the prisoner was of vital importance, both to the prosecution and to the defence. From the very first, perhaps it is not too much to say, that it became the only question; and it becomes necessary to see how and by what means the links in the chain of identification are connected, and especially to notice two incidents which did not come to light at the trial, but which were subsequently discovered.

As Dickman admitted he was at the station on the 18th and had travelled by the 10 27 a.m. train, there is no occasion to consider the evidence as to that fact. But it is necessary to consider the statements of the witnesses for the prosecution, contrasting their story with his own.

The first evidence on this question was given by Charles Raven, who knew the prisoner by sight, but not by name, and who knew Nisbet quite well. He saw them enter the platform together, but did not hear them conversing.

The artist Hepple knew Dickman intimately, but did not know Nisbet. He saw Dickman on the platform with somebody, but his evidence carries the case no further on this point. He also saw one of them with his hand on the handle of a carriage door while he was walking up and down outside his own compartment, and on looking round later noticed they had presumably entered the carriage together, as they were no longer visible on the platform.

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Now, the witness Hall knew Nisbet, but not the prisoner, not even by sight. He identified Nisbet as being the person who opened the carriage door; though he only saw his companion for two or three seconds, he was quite close to him and "got a fairly good view." On the 21st March, at the police station, he was taken to a room in which nine men were placed, from whom he was asked to identify the prisoner. He picked Dickman out, at the same time saying, "If I was assured that the murderer was in amongst those nine men I would have no hesitation in picking the prisoner out"—not very strong identification at the most, but hardly identification at all in view of what has transpired subsequently.

The suspicion of the leading counsel for the defence was aroused at the trial by this answer, but nothing definite was elicited. But between the verdict and the appeal to the Court of Criminal Appeal these suspicions became confirmed, as will be found in the letter from the chief constable of Northumberland in Appendix II.* From this it appears that when Hall and Spink went to identify Dickman at the police station, while waiting in a corridor it was suggested to them by a constable that they should look through a window of a room in which Dickman was being examined, to see if they could recognise him before being officially called on to do so. Acting on the suggestion, they both went to the outside of the window, but owing to the lower part being frosted, they could only see the top of a man's head, and consequently declined to draw the deduction that he was the man they had seen in the train with Nisbet. Another attempt was then made by the police to facilitate the identification through a half-open door, and this time Hall noticed the light overcoat Dickman was wearing, and was therefore in a better position to identify him from the other nine men. It would be interesting to know if all these, or any of them, at the time he was called upon officially to identify Dickman, were wearing similar overcoats. In face of these facts the last paragraph in the chief constable's letter is not of much account; but the question presents itself that if that statement is correct, why should the officers have

* See also Hall's evidence before the Court of Criminal Appeal. Appendix. I.

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suggested to Hall and Spink this illegal and underhand means of identification, not a word of which was mentioned at the trial? It is to be feared that much of the so-called identification that takes place at police stations is of a similar, wrongful, and unfair description.

Let me now pass on to the second incident in the identification of the prisoner.

Mrs. Nisbet was called before the magistrates, and first gave evidence on 14th April. She spoke to seeing her husband in the train and running along the platform to his carriage, and then a fainting attack coming on, it was some time before she could resume. She again swooned at the close of her evidence. Other evidence was called, and the prisoner was remanded till the 22nd inst., on which date Mrs. Nisbet expressed her desire to make a further statement, which was as follows:—"The little I saw of the man in the train that morning, he had his coat collar up and it partly covered his face. I recognised the same part of his face in the dock the other day, and that is how I lost my senses . . ."

It never transpired till after the trial that Mrs. Nisbet had known Dickman by sight for years, and remembered seeing him only shortly before the murder. It would have been better if she had returned into Court on the 14th and made her statement then, rather than postpone it for days—till the 22nd—when she must have had every opportunity of talking it over with the police and others. One would have thought she would have returned to the Court, and then and there denounced Dickman. Her excuse for delay is that she "was not called upon to do so." Surely after such a startling incident this would have suggested itself even to the lay mind!

But does not the fact that Mrs. Nisbet failed to recognise at once a man she had known for years, throw a grave suspicion on the value not only of her identification of Dickman, but on every particle of her evidence? Is it conceivable that under the circumstances she should have hesitated so long before she became convinced of his identity?

The murder, it must not be forgotten, was undoubtedly committed between Stannington and Morpeth. The evidence of Grant, who looked into the carriage occupied by Nisbet, and

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found it apparently empty at Morpeth, and the evidence of other officials along the line disposes of any other premise. The last witness as to the identification was Athey, the ticket collector, who declined to say more than that Dickman resembled in his general appearance the man who left the train at Morpeth.

It now becomes necessary to consider the question as to the possession of firearms by the prisoner; nor must it be forgotten that no firearms were found at his house, nor have the revolvers* with which this crime was perpetrated, ever been discovered. Dickman was in the habit of having letters sent to him at a place of business in Newcastle kept by a Miss Hyman, under the name of "F. Black." Many of the letters were concerned with betting transactions, but undoubtedly about the end of October, a small parcel was delivered from a firm of gunsmiths addressed to him under his pseudonym. Dickman did not call for it for a couple of months, and in the meantime a postcard was received for him from the firm, asking for the return of the revolver sent in error. This postcard was read by the proprietress of the shop, who when he called in January, 1910, gave him a label for the purpose of returning it; but she had no knowledge whether in fact he had done so, as he took both parcel and label away with him. This was the last time he was in Miss Hyman's shop, and on that occasion, for some reason known only to himself, he told her his correct name was Dickman and gave his address.

The evidence of the gunsmith on behalf of the prosecution shows that two of the four bullets produced were such as are used in an automatic pistol; but no evidence was presented to the Court that Dickman possessed another revolver.

* Although I have treated, as I am bound to treat, the evidence as pointing to two pistols being used in the murder, there is little doubt that one only was employed. The murderer had endeavoured to make the smaller bullets fit the barrel by wrapping paper round the cartridge. In this he was only partially successful, which accounts for the loss of penetrative power as referred to in the evidence. One such piece of paper was found in the carriage, but it was not realised to what use it had been put. The prosecution having to account for the bullets of different calibre, naturally formed the conclusion that two revolvers had been employed. There is now no doubt that only one was used. My authority for this statement is Mr. Mitchell-Innes, K.C.

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The medical evidence was given by Dr. Boland, who conducted the post-mortem and examined the blood stains on the left-hand glove, and the left pocket of the trousers; he declined to decide as to whether it was the blood of a human being or even of a mammal, but was positive as to the stains not being more than a fortnight old when he examined them on 26th March. On the outside of the prisoner's overcoat he also discovered a large dark stain on the left front, and microscopical examination showed that efforts had been made to remove it by means of an oil (probably paraffin); but of what nature the stain consisted Dr. Boland could give no opinion, owing to the action of the oil. Certain it was he found no blood on the overcoat.*

On the 9th June, hardly a month before the trial, an important discovery was made. Peter Spooner, a colliery manager at the Hepcote colliery, found at the bottom of an air shaft at the Isabella pit the bag Nisbet was carrying with him when he was murdered. The Isabella mine is situated $1\frac{3}{4}$ miles south-east of Morpeth station, close to the high road. Dickman was an acquaintance of Spooner, and the latter had spoken to him on certain occasions as to the difficulty of working this pit owing to the presence of the large quantity of water. The air shaft was covered by an iron grid with bars 6 inches or $6\frac{1}{2}$ inches apart, sufficiently wide to admit the passage of the bag. The grid could also be lifted quite easily by any one with their hands. This air shaft was only visited occasionally about once in five weeks.

The bag, which was locked, had a large cut in the side, and the contents were missing, with the exception of a few coppers, while round the place where it lay other coppers were scattered.

The motive of the murder being obviously robbery, it becomes necessary to inquire into the prisoner's financial condition at that time.

Dickman, after he had given up the secretaryship of a colliery syndicate, worked on a variable commission with certain book-makers, and at one time had an office in Newcastle. He kept two banking accounts, one at Lambton's, now Lloyd's, which was closed in December, 1909, and only small sums had ever

* See p. 92.

Introduction.

been passed through it. The other account was at the National Provident Bank.

In October, 1909, he borrowed £20 for three months at 60 per cent. per annum from the Cash Accommodation and Investment Company, which high-toned name covers the dealing of an ordinary moneylending business.* The sum was payable on demand, with interest at £1 per month. In the following January, 1910, though the interest had been paid regularly, Dickman called at the office and obtained an extension of the loan for a further period of three months, on the ground that he was not in a position to repay the principal. This interest was carefully paid, the last payment being made on 17th March—the day before the murder.

In November, 1909, Dickman introduced to the company a Mr. Frank Christie, who obtained a loan from them of £200. The whole of this sum found its way at once into Dickman's account at the National and Provincial Bank, but found its way out again directly, Dickman withdrawing it on the 26th and 29th inst. by cheques payable to self. Mr. Christie gave evidence that of the £200, he eventually received about half. Other sums for large amounts had from time to time been paid to Dickman's account, but no other transaction took place after this last-mentioned cheque was presented for payment.

On 14th February, 1910, Dickman again appears to have been in low water, for he visited a firm styling themselves Cush & Co., jewellers, of Newcastle, and obtained £5 on the security of some jewellery of trifling value. He stated to Mr. Ketterer, a partner, that he required the money to go to Liverpool to see the Waterloo Cup races. A few days later, meeting one of the partners, he expressed the desire to repay the loan shortly, regretting he was unable to do so at the moment.

This being the state of his financial resources, let us see if Mrs. Dickman was in a position to help him.

In January, 1910, she had a sum of about £15 standing to her credit, but practically the whole of it was withdrawn by the middle of February. In addition, she also had a second

* See Appendix III.

John Alexander Dickman.

account at a co-operative society, which showed a credit in 1907, of roughly, £73, but this had by March, 1910, fallen to £4. It is also clear that in January, 1910, she wrote from Newcastle as follows to her husband, who was away at the time:—

“Dear Jack,

“I received your card, and am sorry that you have no money to send. I am needing it very badly. The weather here is past description. I had to get in a load of coals, which consumed the greater part of a sovereign. The final notice for rates has come in—in fact, came in last week—which means they must be paid next Thursday. Also Harry's school account. With my dividend due this week and what is in the Post Office I dare say I can pay the most pressing things, but it is going to make the question of living a poser, unless you can give me some advice as to what to do. . . .

“Trusting to hear from you soon regarding what you think I had best do.

“I am,

“Yours faithfully,

“ANNIE DICKMAN.”

So in January Mrs. Dickman is engaged in a fruitless endeavour to obtain from her husband the necessities of life. At the time she wrote that letter she had the sum of £32 to her credit. But she foresaw that with her husband earning nothing, relying very largely on the uncertainty of backing the winning horse, the “question of living” was rapidly becoming “a poser.” Although Dickman had in the previous November obtained a sum of something over £100 from Mr. Christie, it did not satisfy his requirements for very long, for in December he journeyed to Stanington to try to borrow a couple of pounds from Hogg to “tide him over,” and it will be remembered that it was in the following January he was asking for an extension of the loan from the Investment Company through Cohen, a moneylender, and in February had been obliged to pawn jewellery to raise a five-pound note. On the day before the murder, their united funds amounted to a sum of £4, and as to this, it is not certain whether Dickman even knew of its

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existence. Mrs. Dickman, like many other wise women, doubtless endeavoured to get as much money out of her husband as the occasion allowed, and to put away in her own name all she could spare for a "rainy day."

In his cross-examination Dickman said, "We had some little bickering as to who should pay or draw upon certain things at the time, but, however, I gave way and settled matters."

At any rate, on the 17th March their financial position must have been acute, if not indeed critical.

Thus there was ample motive, if motive were necessary for Dickman to commit the crime. But it should be remembered that it is not incumbent on the prosecution to prove motive, as many crimes are committed to which no motive can be assigned. "Motive," said the learned judge in summing up the case to the jury, "if the facts are clear, is irrelevant. If the facts are not clear, motive may explain what otherwise would be difficult of explanation." Deep, hidden in the remoter depths of the hearts of all of us, lie thoughts no man can drag forth into the light.

On the 21st March, when Dickman was arrested, the sum of £17 9s. 11d. was found on him in coin in one of Lambton & Co.'s small bags. Owing to the amalgamation of Lloyds with the North-Eastern and Lambton's Bank, the clerk in their employ could not say in which bags the £370 9s. 6d. was originally put. Suffice it to mention here, that unlike most murders committed for money, and differing in this from the other train murders previously mentioned, neither the weapons with which the deed was perpetrated nor the bulk of the £370 have ever been found. The murderer, be he Dickman or some other man, laid his plans well, and with a care that showed the most thorough premeditation; notwithstanding the closest search, no trace beyond the coppers in the Isabella pit has been discovered. Did he hide them, intending to come for the spoil some future day? If Dickman was rightly convicted of the crime, the secret of his hiding place has been well kept, as indeed it will be, for it lies with him at the bottom of a nameless grave.

In 1898 was passed an Act of Parliament which has been, perhaps, more far-reaching in its effects on the criminal law than any other statute. By the first section of the Act, the accused person and the wife or husband of the accused may

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give evidence for the defence. He or she cannot be called upon to do so: it is entirely a voluntary matter. It is expressly laid down in the Act that should they decide not to avail themselves of the privilege, the opposing counsel may not comment on their absence from the witness-box.* This last clause became of importance later.

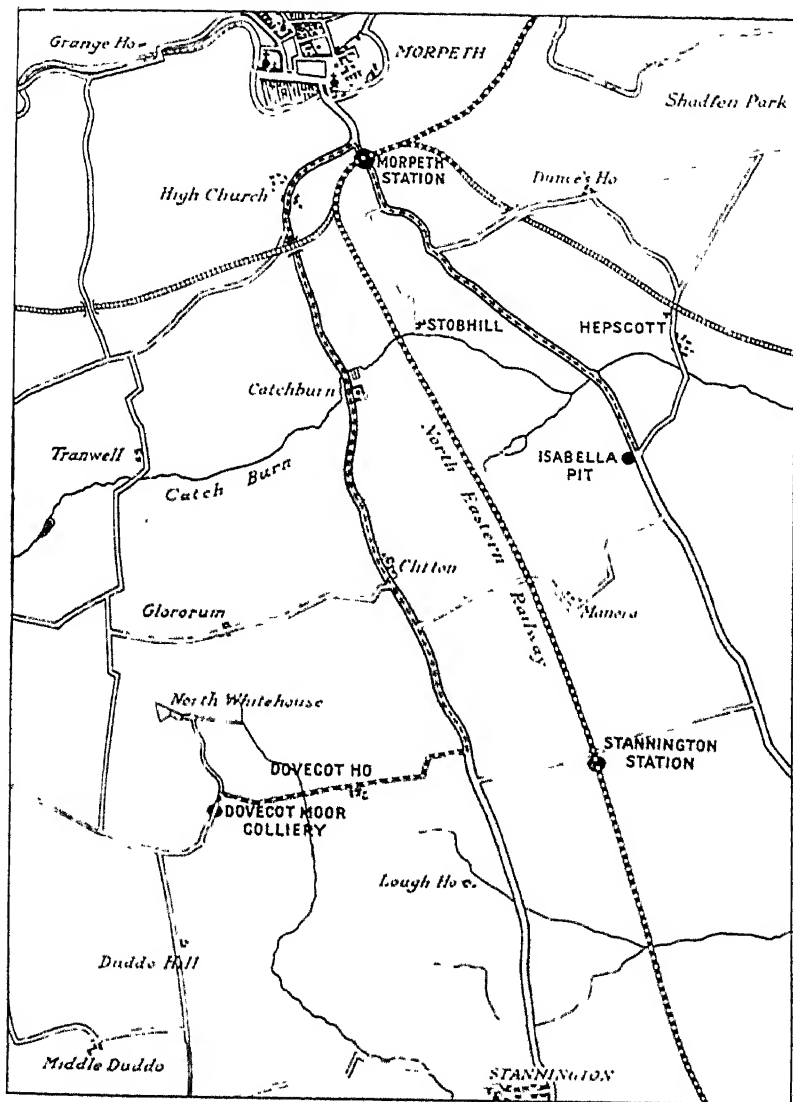
In a trial of so mysterious a character, a trial that created such an immense amount of interest, it is a little curious that the only witness called for the defence was the prisoner himself. He availed himself of the Act allowing him to give evidence, and faced what must have been a severe ordeal, with the same composure as he had exhibited throughout the proceedings.

In answer to questions of his counsel, he stated his visits to the witness Hogg were never by appointment, that he saw Nisbet on the morning of the 18th March, and asserted that his acquaintanceship with the deceased was of a casual nature only; and that he never saw Nisbet after leaving the ticket office, where he had taken his ticket to Stannington. It being the morning of the Grand National the racing news was of special interest that day, so he bought a *Manchester Sporting Chronicle* to study the latest stable information while *en route*. The swerve on the railway between Stannington and Morpeth brought him back to reality, and he realised that he had passed his station. He left the train at Morpeth, paying the excess fare, and carrying his overcoat over his arm or shoulder.

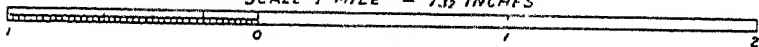
It would perhaps be advisable to leave for a moment Dickman's evidence and glance at the accompanying map. It will be seen there are two roads leading from the Morpeth station to Stannington, one the main road to Newcastle, the other lying to the east of the railway, which rejoins the main road about $3\frac{1}{2}$ miles below Stannington station. The direct route from Morpeth station to the Dovecot Moor Colliery (where Hogg was engaged) would have been along the high road

Returning to his evidence, Dickman decided not to go back to Stannington by the train, which he knew left Morpeth a few minutes later, because if he had carried out his original plans, after seeing Hogg at Dovecot, he would have walked to Morpeth station, as he wished to inspect the Landsale Drift, past which

* Should the defendant not give evidence, the judge may comment on the fact.



SCALE 1 MILE = $1\frac{3}{32}$ INCHES



Map of Morpeth District.

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the road between these stations leads. So on leaving Morpeth station after he had walked for about half an hour, he reached a village known to him as Clifton, where he was taken ill, necessitating his lying down in an adjoining field for about half an hour; but one must confess that the symptoms of his complaint are somewhat mysterious. This sudden indisposition decided Dickman to return at once to Newcastle, and he reached Morpeth station a few minutes late for the express. As he had some time to wait for the next train, he left the station on the east side, and met Elliott, who was with a friend. He then returned alone and took the 1.45 p.m. train home.

With regard to the parcel, which it was alleged contained a revolver from Messrs. Bell Brothers, Dickman stated that he returned it unopened, and was not aware of its contents.

Dickman was then examined as to his financial affairs, and gave evidence contradicting much that was tendered on behalf of the prosecution. The canvas bag in which the money was found, he stated, was his own, and that he used it as a purse. But he affirmed that he had a sum of £120 in reserve known only to himself, with part of which sum he intended to start betting when the flat race season opened. This £120 was intact in the previous November, and out of this some time before Christmas he gave his wife £50. It was made up partly of his own and partly of Mr. Frank Christie's money. By the middle of February £40 remained, all of which was his own. It had been his intention to go to see the Waterloo Cup run, but when he abandoned that idea, he gave his wife a further sum of £15 or £20. The £17 which was found on him at the police station was the remainder of the reserve fund of £120.

In cross-examination Dickman admitted, as indeed he was obliged to admit, being an ex-secretary to a colliery company, that he knew the colliery wages in the district were paid on alternate Fridays. He admitted making the journey on the 4th March, also a Friday, stating he wished to see Hogg with regard to the payment of wages, though he had no appointment with him, and no interest in the sinking operations at Dovecot. "Q. How long before that did you visit Mr. Hogg?—That I could not say. Q. Was it usually on a Friday?—It might have been—I think it was."

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These frequent journeys on a Friday—what was their object? This curiosity, exposed under cross-examination as to the financial operations between Hogg and Christie—this desire to find out whether Christie was “bluffing” when he told him he had no money, was this the real object? or was there a deeper motive underlying, necessitating a careful reconnaissance of the ground, a practical demonstration of the noise made by the train at the fastest portion of the track, the distance between Stannington and Morpeth? Was the story of Mr. Brocklehurst and his companions,* though no evidence against the prisoner, altogether devoid of foundation? or was it that he had to cover up an unfortunate admission? To return to the cross-examination of the defendant. He maintained that on the day in question he was wearing an old brown overcoat, and not the fawn-coloured “Burberry,” as described by the witnesses for the prosecution, and he produced both in the box. There were others, he said, travelling in the same compartment with him, possibly five or six, but he paid no attention to them, hardly observing whether they were men or women—the surprise caused by the shock of his arrest, and the accusation launched against him, having driven from his mind all thoughts and all details of his fellow-passengers on that eventful morning. The visit to Mr. Hogg was not the only object of the journey, for a Mr. Houldsworth had consulted him as to the value of the Landsale Drift. When asked why he did not return from Morpeth to Stannington by the train due in a few minutes he replied, “If I had got out at Stannington I should have gone to the Dovecot pit, and then I should have walked from the Dovecot pit to Morpeth, so that by walking back from Morpeth to the Dovecot pit I should pass this drift, so I was merely stopping, as it were, at the wrong end of the journey.”

He adhered to the details of his attack of illness on the road, and it is true that he was attended during his detention for the same complaint. Obviously it was not a very serious affair, as on reaching home he went out after tea. As to the position and locality of the Isabella Pit he denied all knowledge, thought he might “have passed it and not known.” Spooner he knew to be connected with the Hepscott Colliery on the

* See Appendix IV.

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east side of Morpeth station. "I had never known the name of the pit by the Isabella Pit," and he declared, in answer to a question of the learned judge—"I never knew there was an Isabella Pit."

The suede gloves on which the blood stains were found had been discarded some three months before; they fitted badly, and were thrown aside. Why or how the blood stains had been found on them he could give no account, unless his nose had bled, or he had at some time or other received a cut and touched the place with them. In spite of the evidence of the analyst, who deposed the blood stain was of recent date, he maintained he had neither worn nor carried them since Christmas.

The blood marks on the inside of the trouser pocket came probably from the same cause, with the addition of a new source, perhaps when "he was cutting his corns." The oil on his coat came from his bicycle.

He denied that he required any money in October, and stated that he went to Cohen to "ascertain if it were possible to obtain loans at the advertised rate of interest, and for no other purpose." Asked if he had not spent it, he replied, "I do not know. It would go with my other amounts." He asserted he had, in February, a sum of £70, but could not repay Cohen the borrowed £20.

Asked to explain other attempts to borrow money from Swinney (a witness not called at the trial) and from Hogg, he answered that with regard to Swinney he did not want to borrow for himself, and with regard to the loan by Hogg, it was to save him the trouble attendant on going home.

As for the jeweller Kettering's evidence that he was pawning the goods, he declined to look at it in that light, describing the transaction as merely "putting them in a place of safety," because of the recent burglaries in the neighbourhood. The use of the name, "John Wilkinson was an idea of a moment."

These answers, especially as to his transactions with Cohen, must have raised the gravest suspicion in the minds of the jury as to the truth of his whole story. Is it possible that a fairly well educated person, who had held a responsible position, would borrow money at 60 per cent. interest just to

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find out if the moneylender's advertisement were true! Neither could his story with regard to the £5 borrowed from Cust be regarded by reasonable men as other than an invention. These are merely two improbabilities that occurred in his narrative.

At the close of his re-examination, the letter from Mrs. Dickman to her husband, previously referred to, was allowed to be put in, and he was cross-examined in regard to it.

This completed the evidence on both sides.

I have already commented on what I suggest was the unsatisfactory evidence of the identification of Dickman; but in connection with this it must not be forgotten that the accused admitted that he travelled on that train. Obviously the murderer of Nisbet travelled in his carriage, and with his coat collar turned up to avoid detection. Who was he?

It is with the greatest regret I am unable to give the speeches of the counsel engaged in full. No effort has been spared to obtain them, or to collate them from the various newspaper reports published at the time. Official shorthand writers take no note of the addresses of counsel, and I have failed to obtain a correct note from any other source. After much consideration I have therefore decided to reprint the report of the speeches from the *Newcastle Daily Chronicle*, which, though only a summary, is the best report I have succeeded in finding.

In the course of his address to the jury, Mr. Tindal Atkinson inadvertently commented on the fact that Mrs. Dickman had not been called by the defence to give certain evidence on behalf of her husband as to facts which must have been within her knowledge. Such comment is in contradiction with the express terms of the statute mentioned above. The defence were placed in a difficulty. If Mr. Mitchell Innes at once objected, however rapidly he did so, he could not have prevented the jury knowing that he could have called evidence on certain points, which he had thought wiser to keep in the background. If he took no objection, he might then hope that on this ground the Court of Criminal Appeal would quash the conviction, though it might have been said that objection ought to have been taken at the trial.

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In the course of his speech for the defence, Mr. Mitchell Innes alluded to the incident. "Gentlemen, my friend observed that I did not call the wife to give evidence with regard to her having cleaned the coat. In not doing so, I exercised my judgment on behalf of the prisoner, and acting in what I thought were his interests and the interests of the wife. I may say there is an Act of Parliament which says that when a husband is accused of a crime, or a wife is accused of a crime, and the wife is not called on behalf of the husband, or the husband is not called on behalf of the wife, as the case may be, they are protected from any strictures being passed by the prosecution on the conduct of the defence in not doing so."

Mr TINDAL ATKINSON—May I say with regard to that at once, as my friend has mentioned the matter, I made the comment with regard to the absence of the wife by inadvertence, having forgotten for the moment the extent of the terms of that statute which my friend has referred to. If my attention had been called to it, I would not have said a word with regard to it. But your lordship knows that though I am prohibited from making any comment on the absence of the wife in a case of this kind, of course your lordship can comment to the jury upon such absence. I ought not, I say at once, to have made the observation. It was done in pure inadvertence and forgetfulness of the extent of the provisions in the Act of Parliament.

Mr. MITCHELL INNES—I accept that absolutely from my learned friend, and he will believe me when I say that my reference was not made in a spirit of sharp criticism on his conduct of a case, which, if I may say so without impertinence, he has so fairly and so ably presented to the Court.

When the jury returned into Court with their verdict, Lord Coleridge, who had not referred to the incident in the course of his summing up, interposed.

Lord COLERIDGE—Gentlemen, before you give your verdict there is an incident in yesterday's proceedings which I forgot to allude to. Learned counsel for the prosecution commented upon the absence of the wife as a witness for the defence in connection with the allegation made by the prisoner that the wife had cleaned his coat. Such comment is forbidden, I ought to have said, but it escaped my attention for the moment. I attach no importance to the coat, and I think I indicated this to you; but I forgot to add that such a comment made by the learned counsel ought to be banished from your minds, and not to influence your verdict. If you allowed that comment to affect your minds adversely to the prisoner, I must ask you to reconsider your verdict, dismissing such comment from your minds. If you have not allowed it to affect your decision in any way, then you can deliver your verdict.

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The FOREMAN (without consulting the other jurymen)—It has not
Lord COLERIDGE—Have you allowed it to affect you?

The FOREMAN—We have not.

Lord COLERIDGE—Then that question does not arise.

The FOREMAN—It has not been mentioned.

Lord COLERIDGE—I understand you have not allowed it to affect
your minds

The FOREMAN—We have not mentioned it

Fortunately the address of the learned judge is taken down verbatim by the official shorthand writer to the Court, and if in tendency it was not altogether in favour of the prisoner, it was a clear, unbiassed discussion of every material point in the case, framed in perfect English. As an example of a masterly summing up of the facts, for the language and style in which it was delivered, one would have to travel back to the trial of Dr. Palmer to find its equal.

The jury retired a few minutes before one, returning with their verdict about two and a half hours later

Asked if he had anything to say in answer to the verdict of "Guilty," Dickman, in calm, clear tones, reiterated his innocence. "I can only repeat that I am entirely innocent of this cruel deed. I have no complicity in this crime, and I have spoken the truth in my evidence—in everything that I have said."

Sentence of death was then passed by Lord Coleridge in these brief, solemn, and striking phrases:—

"Prisoner at the bar, the patient, careful trial is now ended, the irrevocable decision has now been given. The jury have found you guilty of murder. In your hungry lust for gold you had no pity upon the victim whom you slew, and it is only just that the nemesis of the law should overtake the author of the crime. The scales of justice are now balanced by the verdict which your fellows have pronounced. The punishment is death."

There is a silence that creeps round a Court of justice while the sentence of death is being pronounced. Just for a few seconds it seems as if the noise of the world is hushed, and time stands still. Each hears his own heart beat; the crowded gallery strain and crane their necks to get a look at the man that is holding on to the rail, with a warder on each side. His friends sob audibly; tears stream from the eyes of women who

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have cared for him with all his faults; sometimes a wife or lover faints. Hardly a soul that does not feel an instant's terror when the Spirit of Death stalks in to claim his prize.

"I declare," said Dickman, turning round, "I declare to all men, I am innocent."

* * * * *

Many efforts were made to save the condemned man. The Court of Criminal Appeal, not very long established, was at once moved to quash the conviction, and declined to interfere; an account of those proceedings will be found at the end of the trial. A petition for a reprieve was very largely signed and forwarded to the Home Secretary. Even his refusal to interfere did not bring the efforts of his friends to a close, for on the day before his execution London was flooded with handbills bearing in huge type the following words:—

"Must Dickman be hanged to-morrow? No! No! No!
Wire Home Secretary at once and wash your hands
of complicity in the legal crime."

These were left at nearly every restaurant and public-house, and were distributed in the streets by both men and women of every rank and calling in society. Circulars to the same effect were sent out all over the country, and hundreds of telegrams and letters endeavoured unsuccessfully to obtain from the Home Office a respite of the sentence.

John Alexander Dickman died within the precincts of Newcastle prison on the 10th of August, 1910.

Principal Dates in the Dickman Case.

18th March, 1910,	-	John Innes Nisbet murdered in a railway carriage on the North-Eastern Railway.
„ „	-	Dickman travels to Morpeth by the same train.
21st „ „	-	Det. Inspector Tait visits Dickman at his house.
„ „	-	Arrest of Dickman at Police Station.
„ „	-	Identified by Hall and Spink.
14th April, „	-	Mrs. Nisbet first gives evidence before the Magistrates.
22nd „ „	-	The second portion of Mrs. Nisbet's evidence.
9th June, „	-	Discovery at the Isabella Pit of the missing money bag.
4th July, „	-	First Day of Trial.
5th „ „	-	Second Day of Trial.
6th „ „	-	Summing up and Verdict.
22nd „ „	-	Appeal to the Court of Criminal Appeal.
10th August, „	-	Execution of John Dickman.

THE TRIAL.

NEWCASTLE SUMMER ASSIZES.

MONDAY, 4TH JULY, 1910.

Judge—

THE RIGHT HONOURABLE LORD COLERIDGE,

One of the Judges of the King's Bench Division
of the High Court of Justice.

Counsel for the Crown—

Mr. EDWARD TINDAL ATKINSON, K.C.

Mr. CHARLES FREDERICK LOWENTHAL.

Counsel for the Defence—

Mr. EDWARD ALFRED MITCHELL-INNES, K.C.

Lord WILLIAM PERCY.

First Day—Monday, 4th July, 1910.

Opening Speech for the Prosecution.

Mr. TINDAL ATKINSON, in opening the case for the Crown,* Mr. Tindal
Atkinson said John Alexander Dickman was standing upon his trial for the murder of a man called John Innes Nisbet. The murder in question was committed by some one in a third-class compartment on a train that left Newcastle at 10.27 on the morning of Friday, 18th March. The train arrived at Alnmouth at six minutes past twelve. At Alnmouth the deceased was found by a porter who opened the carriage door, lying under one of the seats of the carriage, where he had, no doubt, been pushed by the murderer. There was no question that this man was murdered. He was found with five bullet wounds in his head. Four of the bullets had been recovered, and according to the evidence of the doctor, one of those bullet wounds was sufficient to have caused instant death. The question which the jury had to determine—a very solemn one indeed—was whether or not the prosecution, by the evidence they proposed to lay before the jury, were in a position to prove that the prisoner was the man who murdered the deceased.

It was a case, as they would find out, entirely of circumstantial evidence. They would know that circumstantial evidence might be the weakest of all evidence upon which to convict a person of a crime. On the other hand, it might be the strongest possible testimony in bringing home a crime to a prisoner. He was quite sure that they would give the closest attention to the evidence. The case was a peculiar one, and one that would require their closest attention, as every single fact was important. If they were satisfied, after careful and due consideration of the evidence, that the prisoner was the person who committed this murder, he need hardly say

* From the report in the *Newcastle Chronicle*, 6th July, 1910.

John Alexander Dickman.

Mr. Tindal that they would not shrink from giving their verdict accord-
Atkinson ingly.

He would tell them shortly the history of this case The deceased man, John Innes Nisbet, was employed at the time of his death as a clerk and book-keeper by the Stobswood Colliery Company. He was a married man, forty-four years of age, and about 5 feet 4 inches in height. He was of slight build, and wore a moustache and also gold spectacles His duty as clerk to this colliery company was, on every alternate Friday, to go from Newcastle to a place called Widdrington, which was on the railway line between Newcastle and Alnmouth It was, he thought, the fourth station from Alnmouth, and was 23 miles from Newcastle. He usually went by the train that left Newcastle for Alnmouth at 10.27 a.m. On 18th March last he received a cheque from his employers on Lloyds Bank for the sum of £370 9s. 6d. He took with him to the bank a leather bag, which had a lock attached to it, in which to place and carry the money. He called at Lloyds Bank that morning, cashed the cheque, and received 231 sovereigns, 206 half-sovereigns, £35 9s in silver and 20s. 6d. in copper, making the total of £370 9s 6d The gold was contained in three canvas bags, the silver in paper in bags, and the copper in brown paper parcels. It would be shown that the bags in use at the bank comprised bags marked "No. 1 Lambton," "Lloyds," and "North-Eastern Bank"; and it was important that they should bear that in mind, because subsequently they would hear that there was found on the prisoner a quantity of gold in a canvas bag that was marked "Lambton No 1" With this money in his bag the deceased man left the bank.

The next that was seen of him was by a man called Raven, who knew him well, and who also knew the prisoner well by sight, and had seen him during many years. This man Raven was standing at the end of the passage-way—he had no doubt he was speaking to a good many who knew Newcastle station well—leading from that part of the station used for the Tynemouth traffic to the broader part of the station. He was close to a gate numbered "No 4" Looking up the passage-way towards the Tynemouth part of the station there

Opening Speech for Prosecution.

was "No. 4" gate on the right, and, going behind a cigar divan, there was another gate called "No. 5." Raven was standing at the end of that passage-way, near No. 4 gate, and he would tell them that as he stood there he saw the deceased man and the prisoner—he had no doubt about the identity of the prisoner—walking together from the direction of the third-class refreshment room down the passage-way. They passed him quite close, and he said (counsel thought) that if it had not been that the prisoner was with the deceased, he would have spoken. Prisoner and deceased passed round into the No. 4 gate, which was then open, and proceeded behind the cigar divan, at which point he lost sight of them. That was their way to the No. 5 platform, at which was standing the 10.27 train, by which deceased proposed to leave Newcastle.

Mr. Tindal
Atkinson

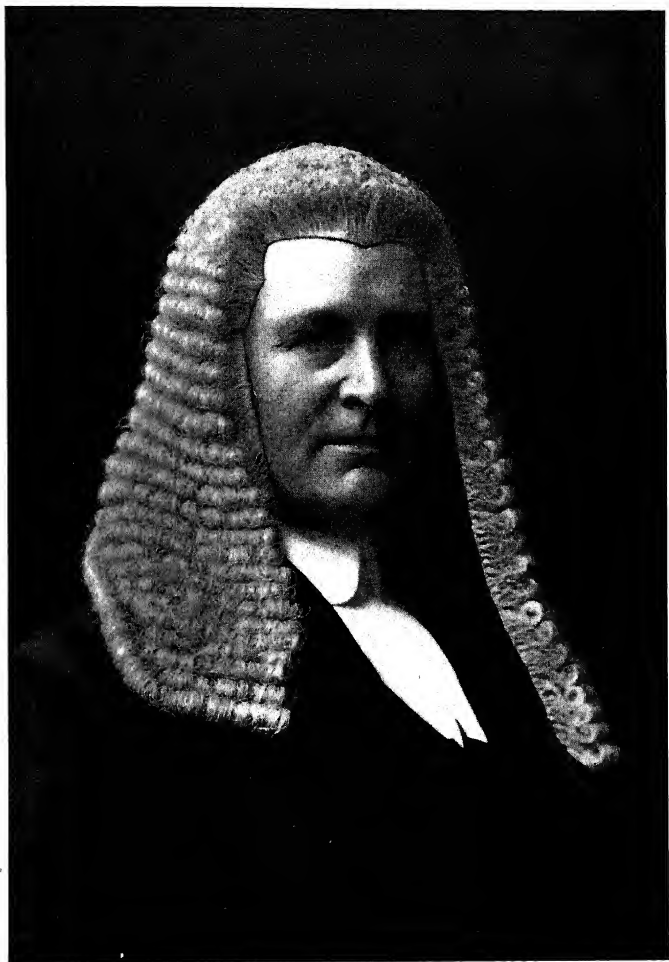
The 10.27 train from Newcastle consisted of an engine and four long carriages, bogey-wheel carriages. The first carriage consisted largely of luggage accommodation, with some three third-class compartments. The next carriage consisted of a third-class compartment at each end, and a first-class compartment in the middle. The third carriage was composed entirely of third-class compartments, and the fourth of some third-class compartments and accommodation for luggage. These were the four vehicles composing the train. He believed there were two carriages standing at the end of the train that were not attached to the train, and were not intended to be attached to it. As he had told them, Raven saw these two men together, proceeding undoubtedly towards the No. 5 platform. This was a few minutes before the train started. The next thing noticed was by a man named Hepple, who was a passenger on the train, and who was standing at the open door of a compartment of a carriage on the train. There was no doubt about the compartment, for he stated that there was in it a picture of Brancepeth Castle. It had since been ascertained that this was the only compartment in which there was a picture of Brancepeth Castle, and that this compartment was the third of the third carriage. He was standing there when he saw the prisoner, whom he knew well, walking with another man whom he did not know, but whom he described as a lightly-built man; and what they would hear from him would be a

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fair general description of the deceased. He had his face to the train, and he saw the two men proceed to the head of the train. The last he saw of them was that one of them had his hand on the handle of the door of a compartment close to the head of the train. Hepple turned away and walked a little distance forward, and when he turned round again the men had disappeared. The next piece of evidence was that given by a man called Hall. Hall was in company with a man called Spink, and they were passengers by this train. They had selected their compartment and had got into it. The door was closed, but Hall had his head out of the window. That was the second compartment of the three third-class compartments of the first carriage. Hall had his head out of the window, and saw coming towards him two men. One he knew and the other he did not know. The one he knew was the deceased. He knew him well, and was on speaking terms with him. He saw these two men go to the compartment which was next to his, farther from the engine. So Raven saw the two men practically coming to the end of No. 5 platform. Hepple would speak to seeing the prisoner and another man a moment afterwards, whose general description tallied with that of the deceased; and, almost at the time as Hepple was watching these two men going towards the head of the train, they had Hall speaking to seeing two men near the head of the train, one of whom he identified as the deceased. He (counsel) ought to have mentioned that Hall—although he had not seen this other man before—picked the prisoner out from among other nine men who had been placed side by side in the police station. He picked prisoner out as the man who, in his opinion, was most like the man he saw. Now, they knew this was an all-important part of the case. If, after they had heard the other evidence, the jury were satisfied that it was the prisoner who was in company with the deceased, and who entered that compartment, they had gone a long way towards satisfying their minds that it was the prisoner, and no other person, who murdered Nisbet.

There was another piece of evidence. Two stations from Newcastle (Central) was Heaton station, and there on the plat-



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form was the deceased man's wife. She was there purposely to see her husband—it might be for the purpose of getting his wages—but that he did not know. At any rate, she was there. and as the train drew up her husband came to the window of the compartment, put his head out, and spoke to his wife whilst the train was standing. The wife would say that, through the side window—the deceased having his head out of the middle portion—she saw another man at the further end of the compartment, sitting with his back to the engine. She only got a momentary glance at him, and she would say that the shadow of the archway in which the train was standing threw a shadow on his face. The man had his coat collar turned up, and she had very little opportunity of identifying him.

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But an incident happened when the case was before the magistrates. Mrs. Nisbet had given her evidence; and after having given her evidence she, from the position in which she was in Court, caught a view in profile of this man, and then fainted. She would tell them that that was the view she got of this man's face in the carriage, and the resemblance was so marked, and gave her such a shock at the time, that she fainted.

They had thus, said counsel, four witnesses—Raven, Hepple, Hall, and Mrs. Nisbet. Raven swore to both men; Hepple swore to the prisoner and that his companion was of a build corresponding to that of the deceased; and Hall was watching the two men approaching the end of the train. This man swore to the deceased, and picked out the prisoner as the man who resembled the man who was with the deceased. And they had the evidence of Mrs. Nisbet, such as he had outlined it.

The train left Heaton, and it passed Forest Hall, Killingworth, Annitsford, Cramlington, and Plessey, and arrived at Stannington at six minutes past eleven o'clock. At Stannington Hall and Spink got out of their compartment. They stood upon the platform for a moment or two, and they saw the deceased alive, and apparently well, in the compartment next to theirs. They nodded to him, and he nodded to them. He was sitting with his face to the engine at the further end of the carriage farthest from the platform. The other man was sitting with

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Tindal his back to the engine. Hall said he did not notice another man
inson in the compartment, but Spink said he saw the other man; and he would tell them that in his opinion he resembled in appearance the prisoner, although he could not absolutely identify him. That was the last time Nisbet was seen alive.

At Morpeth station a man was standing on the platform when the train arrived. He would tell them that he passed this third-class compartment and looked into it, but saw no one in it. He did not go into the compartment, but went into another. The man who had been in the compartment with the deceased had got out at Morpeth. Morpeth was the station next after Stannington. There was some one in the compartment at Stannington, but no one in at Morpeth. The deceased was not visible, and inasmuch as he was found under the seat at Alnmouth, dead and murdered, if he was not seen at Morpeth, he must have been murdered between Stannington and Morpeth. Who got out of the compartment at Morpeth? Among others who got out undoubtedly—on his own confession—was the prisoner. By his own statement he had booked to Stannington, but said that, intent on reading his newspaper in the carriage, he passed his station by mistake, and went on to Morpeth. The ticket collector at Morpeth would tell them that the man tendered him 2½d, the fare between Stannington and Morpeth, and went out of the station. The prisoner had said that himself in a voluntary statement.

The train went on, and it arrived at Alnmouth. The porter opened the door of the compartment, and saw under a seat the body of the deceased, with five bullet wounds in the head. Four of the bullets had been recovered—one in the carriage and the other three in the deceased's head. These bullets varied in character. Two of them were nickel-nosed. There must have been two pistols used. All the bullets would not fit the same pistol. The murderer must have used two pistols. He had traced the history of the case up to the discovery of the body.

On 21st March, three days afterwards, a detective visited the prisoner's house, 1 Lily Avenue, Jesmond, Newcastle. He there told him that the county police had information that he (prisoner) had been seen in deceased's company on the morning of the murder, and asked him if he could throw any light on it?

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Prisoner said, "I knew Nisbet for many years. I saw him that morning I booked at the ticket window after him, and went by the same train, but I did not see him after the train left. I would have told the police if I had thought it would have done any good." Prisoner was asked, on that, whether he would have any objection to go to the detective office and see the superintendent, and he said he had not

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On arrival there he made a voluntary statement, which was taken down at the time. That statement was as follows:—

"On Friday morning last I went to the Central Station, and took a return ticket for Stannington. Nisbet, the deceased man, whom I knew, was at the ticket office before me, and, so far as I know, had left the hall by the time I got mine. I went to the bookstall and got a paper, the *Manchester Sporting Chronicle*. I then went to the refreshment room and had a pie and a glass of ale. I then went on to the platform, and took my seat in a third-class carriage nearer the hinder end than the front end. My recollection is, although I am not quite clear on the matter, that people entered and left the compartment at different stations on the journey. The train passed Stannington station without my noticing it, and I got out at Morpeth and handed my ticket, with the excess fare of 2½d, to the collector. I left Morpeth to walk to Stannington by the main road. I took ill of diarrhoea on the way, and had to return to Morpeth to catch the 1 12 p m. train, but missed it, and got the 1.40 p m at Morpeth. After missing the 1.12 train, I came out of the station on the east side and turned down towards the town. I met a man named Elliott, and spoke to him. I did not get into the town, but turned and went back to the station, and got the 1.40 p m slow to Newcastle. I got a single ticket for Stannington, and did not give it up. I gave up the return portion at the Manors. I have been very unwell since, but was out on Saturday afternoon and evening. I went on this journey to see Mr. Hogg of Dovecot in connection with new sinking operations there."

Proceeding, counsel said that there were one or two observations he should like to make on that statement. According to the prisoner, he knew the deceased man. He said the deceased was at the ticket office before him, and, "so far as I knew, he had

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inson left the hall by the time I got mine " He (prisoner) then went to the bookstall, then to the refreshment room, then on to the platform, and then took his seat in a third-class carriage. If that statement was true, all that prisoner saw of the deceased was at the ticket office. He went apparently alone to the refreshment room, took his seat in the hinder end part of the train, and did not see the deceased apparently afterwards. That statement was in distinct flat contradiction with the evidence of a witness named Raven, who saw him in company with deceased when the ticket must have been taken. He watched them go from the refreshment room in which the prisoner said he had been. He saw them turn into No. 4 gate and proceed towards No. 5 platform. Then, if they believed the evidence of a witness named Hepple, the prisoner did not proceed to the hinder part of the train, but towards the engine; and the last he saw of the prisoner and the other man was that one of them had his hand on the handle of the carriage close to the engine end. Prisoner said he got out at Morpeth and gave 2½d. to the collector. The train arrived at Morpeth twelve minutes past eleven, and it was due out at sixteen minutes past eleven. Prisoner said that he missed his station inadvertently, and got out at Morpeth to go back to Stannington to visit a man called Hogg at Dovecot, some three miles from Stannington station. There was a train back to Stannington at 11.24, which would allow twelve minutes to get from one side of Morpeth station to the other. Prisoner apparently did not ask the ticket collector at all whether he could return to Stannington. He gave him 2½d. and went out of the station. He was going to Mr. Hogg's at Dovecot, and the nearest place to go from was from Stannington station. He waited about for over two hours, according to his own statement, and he went back to Morpeth station just in time to miss the twelve minutes past one train back to Newcastle. He did not remain on the platform to wait for the 1.40, but went down in the direction of Morpeth, where, he said, he met a man named Elliott.

Then after that he came back and caught the 1.40 train back to Newcastle. What he was doing in those two hours they did not know. But the bag had been discovered since, which was missing with all the money. The bag was discovered

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on 9th June, nearly two months after the committing of this murder. It was found accidentally at the bottom of a shaft at the Isabella pit at Hepscott. He would call the witnesses who examined this shaft and found something lying on the floor. It was a leather bag, and it had been identified as the bag deceased carried in the train from Newcastle. It had been ripped open by a knife at the side, and the whole of the gold and silver was gone. There were some coppers in the bag; later on some further coppers were found strewn about the place where the bag had been thrown.

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There was no question about it, the murderer had thrown this bag down the pit with a view of preventing evidently its being subsequently found. This shaft was a mile and three-quarters south-east of Morpeth station. It was situated close to the highway, which led from Morpeth south-east. There was no doubt the person who murdered this man, if he got out at Morpeth station, as he (counsel) suggested he must have done, proceeded along this road until he got to this pit shaft, and took the opportunity to throw the bag down there. It would, he thought, be shown in the course of the evidence that the prisoner knew of the existence of the shaft where the bag was found.

After this statement was made by the prisoner to the police he was taken into custody, and charged with this murder. The reply he made was, "It is absurd for me to deny the charge, because it is absurd to make it. I only say I absolutely deny it." He was searched, and on him was found the sum of £17 9s 11d. Of that sum £15 was in gold, and it was in a bag marked "No. 1, Lambton & Co, Newcastle." His house was searched, and two pawntickets were found. Prisoner subsequently stated he had pawned a pair of field glasses. There was also found two passbooks—one of the National Provincial Bank and the other Lambton's. Prisoner appeared at one time to have kept accounts at these banks. Both the accounts were closed in December, 1909. Amongst his clothes was found a pair of suede gloves. An examination had been made of these, and they would have before them a witness, a professor, who had examined and discovered a smear of recent blood on the root of the palm portion just below the left thumb. On exami-

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Tindal nation of prisoner's trousers it was found that there were
nson blood spots inside the pocket of the left-hand side, which no doubt were caused by the stained hand having been put into the trouser's pocket

He proposed to prove to them that the prisoner was in a state of impecuniosity at this time. He did this advisedly. If he was hard pressed for money, and if he had no resources, that would, of course, supply a motive for this crime, and some explanation should be given of the sum of £17 9s. 11d. having been found in a canvas bag in the prisoner's pocket. He had told them that his banking accounts were closed in December last. About a month before this murder was committed prisoner obtained a loan of £5 on some small articles of jewellery from a jeweller, who would be called, and to whom he had said he was hard up.

In October, 1909, he had borrowed the sum of £20 from a moneylender called Cohen, paying £1 a month interest on it. He had paid no portion of the principal back, but he had paid the interest on it, he believed, before the murder was committed. It appeared there was an account at the Co-operative Stores in the name of prisoner's wife, and also an account at the Post Office Savings Bank, also in the name of his wife. The amounts banked had been considerable—between £60 and £70 on one occasion—and in respect of one account there had been left £4, and the savings bank account showed that everything had been drawn excepting 10s. This was a matter the jury must undoubtedly take into consideration.

Counsel concluded by saying he thought he had described to them, as well as he could, the whole circumstances which the prosecution were prepared to lay before them. He had said the case was one of circumstantial evidence. If the jury believed it was the prisoner who entered the carriage with the deceased, they had gone a long way towards arriving at a conclusion in this case. If in the carriage at Newcastle, was the prisoner the same man as seen at Heaton by Mrs. Nisbet? Was he the same man as seen by Spink at Stannington station? There was no one in that carriage when another witness passed along the train at Morpeth. Whoever the murderer was, counsel thought he would get out at the very earliest opportunity after the murder was committed. It would never have

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done for him to have remained in the carriage at the risk of any one getting in at a succeeding station. Prisoner did get out at Morpeth, although he took a ticket for Stannington; and he was away for two hours. This was a case in which every single fact had to be taken into account. Every single fact, the prosecution said, tended towards showing that the prisoner was guilty of this murder. He (counsel) thought he was right in saying that not one single fact pointed to any other conclusion, so far as his part in the history of the case was concerned.*

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Evidence for the Prosecution.

WALTER HENRY DICKENSON, examined by Mr LOWENTHAL— I am a civil engineer in the employ of the North-Eastern Railway. I produce a plan of part of the Central Station, Newcastle, showing platforms 4 and 5, with an engine and four carriages standing along No 5. Also a North-Eastern time-table for March, 1910, giving the distances between the stations in miles. There is a train that leaves Newcastle at 10.27 a.m. from No. 5 platform for Alnmouth, timed to arrive there at 12 8 p.m. It stops at all the stations on the way, which are in the following order:—Newcastle, Heaton, Forest Hall, Killingworth, Annitsford, Cramlington, Plessey, Stannington, Morpeth, Pegswood, Longhurst, Widdrington, Chevington, Acklington, Warkworth, Alnmouth. It was due to leave Stannington at 11 6, and to arrive at Morpeth at 11.12, leaving there at 11 16. There was a slow train back to Newcastle, leaving Morpeth at 11 24 a.m., reaching Stannington at 11 30. There is, in addition to this train, an express from Morpeth to Newcastle at 1 12 p.m., and a slow train at 1.40 p.m. I was told that the body was found in the third compartment of the first carriage.

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Dickenson

Cross-examined by Mr. MITCHELL INNES—I want to ask you one or two questions about the plan and the station. Would you look at gate No. 4?—Yes.

* The speech on behalf of the Crown lasted an hour.

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alter H. Atkinson You have rightly said that anybody going from gate 4 can turn in on to No 5 platform?—Yes

Supposing a man was, instead of turning on No. 5 platform, to go straight on to a urinal which is on platform No. 8 first, do you know that there is a urinal at a point which I will indicate on my plan? If you look at it you will see it, where I have marked it—it is there marked in blue?—No, I am not aware that there is

Mr. MITCHELL-INNES—There is no question about it, I think.

Mr TINDAL ATKINSON—It is not shown on this plan.

Mr. MITCHELL-INNES—He has not marked it, because he did not know that I was going to make the point. The point I am directing the witness' attention to is whether there is not a urinal there. I have seen the place myself, and it is there.

Lord COLERIDGE—By the bookstall?

Mr MITCHELL-INNES—It is nowhere near the bookstall—I mean right down there, turning through gate 4 and going straight as if you are going on to platform 5.

Lord COLERIDGE—Is it "lavatory"?

Mr MITCHELL-INNES—It is not marked as "lavatory" He has not marked it. That is the difficulty.

Mr TINDAL ATKINSON—He does not know where it is. You had better wait till somebody comes who does know it.

Lord COLERIDGE—He does put a lavatory

Mr MITCHELL-INNES—Yes, but he has not marked this one (*To Witness*)—Assume it for the moment—you cannot prove it for me—that at that spot there is a lavatory?—Yes.

This is a point that I will prove presently I say that point marked with a blue cross is the lavatory.

Lord COLERIDGE—Is it on or out of the plan?

Mr. MITCHELL-INNES—It is out of the plan If I may hand this plan to your lordship you will see my blue mark. I am taking it that the man has passed through gate 4, and wants to get on to platform 8.

Lord COLERIDGE—Which is platform 8?

Mr. MITCHELL-INNES—Platform 8 is the main platform where the lavatory is.

Lord COLERIDGE—Across by the footbridge?

Mr MITCHELL-INNES—Across by the footbridge. Those are

Evidence for Prosecution.

the rails across by the footbridge, and the footbridge continues over the platform **Walter H. Dickenson**

(*To Witness*)—Supposing a man having passed through gate 4 wished to get on to platform 8 he could do so by continuing straight on past the end of platform 5?—Yes

Through the opening?—He could do so.

That would lead him straight on to platform 8?—It would.

Nearest where the point is which I have marked “lavatory”?—Yes

If he wished to get back to platform 5 he would go the same way back on to platform 5?—Yes

Do you know of your own knowledge that this 10.27 train is a train very much used for the purposes of those travellers or people stopping at stations north in the morning?—It certainly is.

Indeed, your own time-table shows, does it not, that if anybody wished, starting from Newcastle, to call at any of the small stations between Newcastle and Morpeth, if he missed the 10 27 he would have to wait till 12.38?—Till 12 38.

If anybody going from Newcastle wished to call at any of the small stations between Morpeth and Alnmouth, for instance, at Longhurst, or any of those stations, he would have to wait till 1 30?—Except on Saturdays.

I agree?—On weekdays.

Except on Saturday, if a man wishing to do business at the small stations between Morpeth and Alnmouth did not take the 10 27 he would have to wait till 1.30 in the afternoon?—That is so.

Re-examined by Mr. TINDAL ATKINSON—I think the principal lavatory is shown on your plan?—Yes, the principal lavatory.

It is by the telegraph office?—It is by the telegraph office

On the extreme left of your plan?—On the extreme left of my plan.

But personally you do not know the existence of the place which my friend has referred to?—No, I have never seen it.

MARK WATSON RAMSAY, examined by Mr. LOWENTHAL—I am **Mark Watson Ramsay** an employee of the North-Eastern Railway Company, and I live at 23 Milton Street. I took the four photographs of the Central Station, which I produce. The first photograph

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Mark Watson Ramsay shows the entrance to platforms 4 and 5, also the refreshment room and the cigar shop. The other photographs are of the whole train; the third carriage with the door open; and a photograph of the next carriage but one to the one in which the deceased was found.

Cross-examined by Mr. MITCHELL-INNES—Are you well acquainted with this station?—Yes.

Do you know the position of the urinal which we have been talking about on platform 8?—Platform 5.

I mean platform 8. Do you know, in fact, whether or not there is a urinal in that little place at the corner there (pointing on the plan?—Yes.

Mr. MITCHELL-INNES—Then he proves that

By Lord COLERIDGE—The first compartment towards the engine of the first coach looks upon this photograph to be a smoking compartment. Is that so?—Yes.

Mr. MITCHELL-INNES—I do not know whether your lordship got the formal evidence as to the position of the urinal on your note

Lord COLERIDGE—I have marked the plan

Mr. MITCHELL-INNES—If your lordship pleases. This witness says he knows of its existence, and he says it is in the position I have stated

Charles F. Murphy

CHARLES FRANKLIN MURPHY, examined by Mr. LOWENTHAL—I am a surveyor at Morpeth. I have prepared a plan showing the district between Morpeth station and Stannington, which I produce. Morpeth station is marked in red on it, also the road to the Dovecot Moor Colliery. It also shows Stannington station and the road leading from Morpeth to the Isabella pit. The Isabella pit is where the bag was found, and is $1\frac{3}{4}$ miles from Morpeth. A portion of this road is a regular highway, and you turn off it up a lane to the Isabella pit. From Dovecot Moor Colliery to Stannington station is about $1\frac{3}{8}$ miles.

Cross-examined by Mr. MITCHELL-INNES—As far as the turning off to the Dovecot Moor Colliery the road from Morpeth station, as far as that turn, is the main road to Newcastle?—It is.

I take it that anybody going to Morpeth station, driving to Morpeth station from Dovecot Moor Colliery would go that way?—Undoubtedly.

Evidence for Prosecution.

They would go from Dovecot Moor and turn to the left on Charles F. to the Newcastle main road, and drive to Morpeth station?—Yes **Murphy**
That is a distance of about $3\frac{3}{4}$ miles?—That is so.

THOMAS ANDERSON, examined by Mr TINDAL ATKINSON—I am **T. Anderson**
manager and cashier to Messrs Rayner & Burn, who are the owners of the Stobswood Colliery. The deceased, John Innes Nisbet, was employed by the firm as clerk and book-keeper, and had been so for a number of years. In appearance he was a small man with a rubicund countenance, rather thin. Part of his duty was to take money for the wages to the colliery every alternate Friday. On the 18th March last I gave him a cheque for £370 9s 6d. to cash at Lloyds Bank at Newcastle. He took a black leather bag with a lock to put the money in which he received in exchange. The bag had a key, and was about 9 inches in length. The Stobswood Colliery is nearly half a mile from Widdrington station, on the main line north. On the 13th of June last a bag was produced to me by the police, and I identified that bag as the one which Nisbet had taken with him on the 18th March. It was locked, but a slit along the top and down each side had been made, and the bag pulled open. The leather had been cut round the lock. I was shown some coppers that had been taken out of it, also some papers; they are the colliery pay-bills for that day.

Mr MITCHELL-INNES—I ask no questions.

JOHN BRADSHAW WILSON, examined by Mr. LOWENTHAL—I am **John B. Wilson**
a clerk in the employ of Lloyds Bank at Newcastle, and I live at No. 31 Lesbury Road, Newcastle. I knew Mr. Nisbet, the deceased man, and I remember his coming to the bank on the 18th of March last and cashing a cheque for £370 9s. 6d. I paid him £231 in sovereigns, 206 half-sovereigns, £35 9s. in silver, £1 0s. 6d. in copper. The gold was in three canvas bags, the silver in paper bags, and the copper in a brown paper parcel. Lloyds Bank use little square canvas bags drawn together by a string at the top, into which the money from cashed cheques is put and handed to the customer.

The North-Eastern Bank and Lambton's Bank have now amalgamated with Lloyds. They all used their own bags, which had their respective names on. These bags are still used by Lloyds. The two bags produced have "Lambton's Bank,

John Alexander Dickman.

John B. Wilson Newcastle-on-Tyne," written on both of them These are just the same sort of bags as we use now and were using in March last. I cannot say into what particular bags the gold I gave Mr. Nisbet was put, but it would have been one of the kind of bags I have mentioned.

Cross-examined by Mr. MITCHELL-INNES—These bags seem to have seen some wear?—Yes.

They look oldish?—Yes.

Do you know of your own knowledge—I believe another witness is going to prove it—that Dickman had an account at your bank for a considerable number of years?—I cannot say that.

You cannot say that?—No.

Assuming for the moment he had, is it not quite a common occurrence that customers should have these bags?—Yes.

And would receive money from you in these bags?—Yes

Re-examined by Mr. TINDAL ATKINSON—Do you always give out clean bags, or are they dirty bags when you send them out?—They are clean when we send them out, but we send them out dirty as well as clean—both dirty and clean

Do you get them returned?—Sometimes

I see on the bag is written, "Please return this bag"?—Yes, but it is not carried out.

You say that the gold was in three bags?—Yes, in three bags.

Were they all of the same size and are those bags of the same size?—I could not say.

You do not know?—I do not know.

Charles Raven CHARLES RAVEN, examined by Mr. TINDAL ATKINSON—I am a commercial traveller, residing at King John Terrace, Newcastle-on-Tyne. I have known the deceased to speak to for five or six years. I did not know him during this period by name, but I knew him by sight. On the 18th of March last I was at the Central Station, Newcastle, about 10.20. I was coming towards the gateway at No 4 platform from the west station. The first-class and third-class tea-room was on my left. I was about three yards from the gate. I saw the deceased and the prisoner. I am quite sure it was them. They were walking along together and went through the gate

Evidence for Prosecution.

to No 4 platform. When they got through the gate they **Charles Raven** turned to the right, behind the cigar shop, going in the direction of No 5 platform I did not see them speak, though I saw them go through the gate together I lost sight of them when they had got behind the cigar place My attention was called to the matter when I saw an account of the tragedy in the afternoon papers

Cross-examined by Mr MITCHELL-INNES—They were not in conversation, you say?—No.

You lost sight of them behind the cigar divan?—Yes

And that is all you saw of them?—Yes.

WILSON HEPPLE, examined by Mr LOWENTHAL—I am an **Wilson Hepple** artist, and live at Cauld Cottage, Acklington. I have known the prisoner for the last twenty years. On the 18th of March I travelled from Newcastle by the 10.27 a.m. train. As I was getting my ticket I saw the prisoner. I then went to No. 5 platform and selected my seat I put some parcels on the rack and then I got out on to the platform and walked about in front of the doorway of the compartment I had selected. I walked up and down outside for a few minutes, about three to four steps each side of the carriage door. I remember the carriage distinctly, because there were several photographs in it, amongst which was one of Brancepeth Castle. On the 3rd of April I was shown a train which had been made up, and I identified the carriage in which I travelled by the photograph A photograph of this carriage was taken with me standing outside (photograph produced) I travelled in the third coach from the engine, which was the last coach but one in the train I got into the last compartment but one in that coach. While I was walking up and down outside I saw Dickman with a companion whom I did not notice very particularly, but I think he was of a slight build. From their demeanour I think they were talking together, they were walking up the platform past where I was standing in the direction of the engine In my passings up and down I turned and went towards the engine, and noticed Dickman and his companion were about to board the train. One of them had his hand upon the handle of a compartment of the first carriage. That is the last I saw of them, because at the moment I

John Alexander Dickman.

Wilson Hepple turned round and walked in the opposite direction, and when I retraced my steps I found they had disappeared. I did not see if the compartment door was open or shut, but it was a compartment in the front coach near the engine. As I have said, I have known Dickman for the last twenty years. I never saw Dickman again that day.

Were you shown the train in which you appear here in the photograph?—

Lord COLERIDGE—He has already identified that.

Mr LOWENTHAL—I want to ask him a question upon it.

Lord COLERIDGE—Then he had better take mine.

Examination continued—You remember being shown that train?—Yes.

When you looked at the train were you then able to see, looking at the train, which coach it was that you saw Dickman opposite?

Mr MITCHELL-INNES—Is there any mark on the photograph to assist him?

Mr LOWENTHAL—None (*To Witness*)—Did you hear my question?—I do not quite understand your question.

Will you look at that photograph?

Mr MITCHELL-INNES—I must object to this question. A photograph is put into the witness's hand suggesting something to him by the nature of the photograph itself, and a question is put to him which, in conjunction with that photograph, is most distinctly leading.

Mr TINDAL ATKINSON—It does not suggest anything to him.

Mr MITCHELL-INNES—Would your lordship kindly look at the picture. It is impossible that it should not suggest to him.

Mr TINDAL ATKINSON—I follow the point. It is quite right.

Lord COLERIDGE—Will you ask your question again?

Examination continued—Did you go to Newcastle station and see the train when Guard Wilkinson showed it to you?—I did.

Looking at the train as you saw it then, were you able to point to the coach in which you saw the prisoner and his companion opposite?—Yes, by experiment.

Was there any door open then?—No.

What did you do? You say "by experiment"?—Two men

Evidence for Prosecution.

walked up the platform, and I was asked to show by the signal Wilson Hepple of my hand, when I thought they were at the point of the platform where I saw the man with his hand upon the handle of the compartment of the carriage.

You stopped them when you got there?—Yes, with a hand signal.

Where were they?—I could not tell you, except I thought they were about that part of the platform where I saw the two men

Did you afterwards go up and find they were opposite the front carriage?—I did nothing of the kind. I took no further interest in it

Was Superintendent Weddell with you, when you stopped them?—Yes

You stopped them when you say they were at the place where you had seen the prisoner and his companion?—Yes.

Mr. MITCHELL-INNES—So far as he could tell

Mr. LOWENTHAL—Quite so (*To Witness*)—Will you tell me as well as you can, how long before the train started was it, that you saw the prisoner and his companion coming along?—I had walked a considerable time when I saw the prisoner and his companion, and I was beginning to think myself that it was time the train was about to start.

How long after that did the train start?—

By Lord COLERIDGE—The proper question is—you saw these two people, and how long was it between the time you saw these two people for the last time, and the starting of the train?—About one minute

Cross-examined by Mr. MITCHELL-INNES—I understand you to say that you were walking up and down the platform three paces on each side of your door?—Yes.

So that your turns were about six paces in length?—About that.

Were you sauntering or walking fast?—Just leisurely.

Sauntering backwards and forwards in front of your door?—Yes.

I understand what happened was, that you saw these people, turned round, walked six paces in either direction, and when you turned round again they had vanished?—Yes

Is that right?—That is so

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ple You had walked your six paces between the time that you saw them, and then turned round and found they had disappeared?—Yes.

When you got into the carriage did you do anything particular?—I sat down.

Did you sit with your back to the engine or the other way?—With my back to the engine.

Did you at that time take notice of anything or anybody in particular?—I just sat looking out of the window till the train started.

And you noticed nobody in particular?—Nobody in particular. There was no one to notice that I saw.

But there was nothing to call your attention?—Nothing whatever.

You arrived that morning at the station in pretty good time for your train?—Yes, I did.

How long before your train went did you arrive at the station?—I arrived in the booking hall about seven minutes past ten.

As early as that?—Yes

It was then you saw Dickman in the booking office?—The window was not open when I got there.

It was then that you saw Dickman in the booking office?—Some time after I got there myself, I saw him.

How long after?—I could not say exactly how long in minutes, but I had been there some time before the window opened. I was the second passenger to get my ticket.

Did you go straight from the booking office to the platform or not?—After leaving the booking office I walked through the quadrangle to see where the train was to start from. There was no indicator, and I waited a considerable time until the board was put up. As soon as ever they put the board up I walked through to the platform and placed my parcels on the rack.

How long altogether do you think you were walking up and down in front of your carriage?—Well, I should think about seven or eight minutes.

You did not know, as you told us, who Dickman's companion was?—No.

As far as your hearing went, you cannot say whether they were talking or not?—Except by their demeanour.

Evidence for Prosecution.

So far as your hearing is concerned, you could not tell from **Wilson Hepple** your hearing?—Just so. They were 18 feet from me.

They never passed nearer to you than 6 yards off?—Six yards off.

Re-examined by Mr. TINDAL ATKINSON—You say you could not hear them?—I could not hear them

But could you tell from their movements of the head whether they were talking to one another?—Their faces were turned towards each other as being in conversation apparently.

Did you lose sight of them between their passing you and when you say you saw the last of them, when one man had his hand upon the handle?—They were never out of my view from first seeing them, as it were.

I understand you to say you did not notice the other man at all?—Not at all.

You could not give any description of him?—No description whatever.

By Lord COLERIDGE—You told us they were never nearer than 18 feet from you. Is that so?—Yes.

Then you told us they passed you?—They passed me at that distance from me.

What is the breadth of the platform?—It must extend to that, I should think

Mr. TINDAL ATKINSON—I understand it is over 18 feet.

By Lord COLERIDGE—It is a very broad platform?—Yes.

PERCIVAL HARDING HALL, examined by Mr. TINDAL ATKINSON—**Percival H. Hall**
I live at Deuchar Street, Newcastle-on-Tyne, and am in the employment of the Netherton Coal Company. I knew the deceased man Nisbet as the Widdrington cashier. I have known him for four or five years by sight. I have travelled for about the same period in the same train with him. We were both going on the same errand, that is, we were both carrying money to our respective collieries. I have never travelled in the same compartment with him.

On the 18th of March I left Newcastle by the 10.27 train accompanied by a fellow-clerk of the name of Spink. We both got into the second compartment of the first coach. After getting in and closing the door I went to the door and looked out of the window. I saw the deceased man and a companion

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Perceval H. Hall coming towards me—they were 8 or 10 yards away. They came towards our compartment to get into the one immediately behind ours. Nisbet opened the door and got in first. I am certain it was Nisbet who opened the door. I had never seen the other man to my knowledge before. I had a fairly good view of him for two or three seconds—he came quite close to me. It was close on train time. I went as far as Stannington in the train. Both Spink and I got out at Stannington. We had to wait for the train passing out of the station before leaving the platform, and while standing there I observed Nisbet sitting in the compartment immediately in the rear, and as the train was going out he looked in our direction, and I bowed to him. I am quite sure it was he who was in the compartment at Stannington when the train left. I cannot say whether there was anybody else in the carriage or not.

On the afternoon of the 18th I gave a description of the man I had seen with Nisbet to the police at Newcastle. I noticed the man who was with him was wearing an overcoat about three-quarters length, say, about down to his knees. It was a lightish overcoat of fawn colour. I also noticed he had a hard felt hat on.

On the 21st of March did you go to the Central Police Station at Newcastle?—I did.

That is three days afterwards?—Yes.

Where were you taken?—I do not quite understand.

Where were you taken when you got to the police station?—We were taken to a room, where there were nine men set before us.

Did you point anybody out as being, so far as you could identify him, the person you had seen?—I did not point him out in that way.

How did you point him out?—As being, or as very much resembling the companion of Nisbet, and I made one or two remarks at the same time.

In the prisoner's presence?—In the prisoner's presence.

So that he could hear you?—I suppose he would hear me—every one in the room would hear me.

Mr. MITCHELL-INNES—I am quite glad to have them.

Mr. TINDAL ATKINSON—You want them?

Mr. MITCHELL-INNES—Yes.

Evidence for Prosecution.

Examination continued—What did you say?—I said words Percival H.
Hall to the effect that if I was assured that the murderer was in amongst those nine men I would have had no hesitation in picking the prisoner out.

You said something about resembling just now. Will you repeat it?—I said that in my mind the prisoner very much resembled the party I saw on the 18th. The train started, and Spink and I got out at Stannington. We had to wait for the train to pass out of the station before leaving the platform. While we were standing there I observed Nisbet sitting in the compartment immediately in the rear, and as the train was going out he looked in our direction and I nodded to him. I am quite sure he was in the compartment at Stannington when the train left. I could not see whether there was any one else in the carriage with him or not. On the afternoon of the 18th of March I gave a description of the man I had seen with Nisbet to the Newcastle police. The man who was with Nisbet had a lightish fawn-coloured overcoat of about three-quarters way down to his knees. He was also wearing a hard felt hat.

Cross-examined by Mr. MITCHELL-INNES—I do not think I am doing you an injustice, but I do not think you have ever said anything before about this man, whoever he was, wearing a fawn-coloured overcoat?—I gave that description to the police on the Friday evening.

But you did not say so before the magistrates?—I was never asked.

I want to ask you a question about the so-called identification. You went down to the police station, I understand?—Yes.

There you found the policeman. Who was the policeman that you first saw there?—I saw a number together.

Can you mention one who seemed to be in control, who took you into the room or place where these men were. What was his name?—I could not say who it was.

Do you know Superintendent Weddell?—I know Superintendent Weddell.

Was he there?—I think he was there. He was there later anyhow.

You went into the room and you found nine men standing in a row?—Quite so

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Q H. I put it to you, you walked more than once, two, or three times up and down the row and picked out nobody?—I walked once down the row

I put it to you, you walked more than once?—I think not.

You think not. Will you swear that you did not walk more than once? Be careful—(The witness hesitated a long time.)

Well?—To the best of my knowledge I walked down once, and then came straight back to the prisoner. I had a look at each one

That is to the best of your knowledge. Then you will not swear that you did not walk down the row more than once? Now be careful—No, I will not swear that.

I put it to you that you then went away from the row of men and approached the officer—I do not care who you asked. Is that right?—That is so.

And you said to that officer something. What was it? Tell me what you said to the officer?—I asked him what I was expected to do.

By that time you had already walked down the line at least once?—At least once.

Do you mean to say that you had not been told before you walked down the line what you were expected to do? What had you gone there for?—I had gone there to try and identify the companion of Nisbet

Why did you ask the policeman after having walked down the line and made that attempt and failed, what you were expected to do?

Mr. TINDAL ATKINSON—Do not interpolate that he had failed. He had not at that time pointed him out, and had not been asked to.

Lord COLERIDGE—He might have formed an opinion in his own mind which he had not expressed by any act.

The WITNESS—That was it.

Mr. MITCHELL-INNES—I agree. (*To Witness*)—Why did you ask the policeman what you were to do?—Because I wanted to know if by pointing out a certain man I was swearing that that was the man I saw get in with Nisbet

How could you come to think that you were swearing anything. You had not been asked to take any oath?—Well, in

Evidence for Prosecution.

my own mind, I understood that that is what identification ^{Percival H. Hall} meant, but I may have been wrong

You had not in fact been asked to swear anything or to take any oath, had you?—I suppose not—no

Was it that you were afraid of binding yourself with the same effect as though you had sworn?—That was it, exactly

You were not sure enough to bind yourself absolutely by pointing out anybody?—That was just it.

When you asked the officer what you were expected to do, what did he answer?—(*After hesitating*)—He said, “Point him out”

You knew before that you had to point him out?—Yes

What else was said?—Then I explained.

Just a moment He said, “Point him out” What did you say in answer to his direction “Point him out”?—I think—well, I must not say that—I said I would not swear that the man I was going to point out was the companion of Nisbet, but that if I was assured that the murderer was there I would have no hesitation in pointing out that man, and I pointed to the prisoner.

You gave evidence about this before the magistrates?—Yes.

You were cross-examined on the question?—Quite so

I suppose you saw the deposition?—Yes.

It was read over to you?—Yes.

You signed it?—Yes.

May I remind you what you said then you said. You said, “I will not swear that the man I pointed out was the man I saw get in with Mr Nisbet, but if I could be assured the murderer was there (whatever that means), I would have no hesitation in pointing the prisoner out”?—Yes

To-day you have told us—I do not want to catch you—I want you to understand my question—that what you said was “I will not swear that the man I am going to point you out was the man I saw get in with Mr. Nisbet.” Which was it? Had you pointed the man out or had you not pointed the man out when you said that?—I said that as I did it

What?—I made that statement before I pointed the man out to explain my action and how I stood.

May I call your attention to the fact that those are not the

John Alexander Dickman.

1 H. words that you put into your own mouth before the magistrates. May I remind you what you said to the magistrates was, which makes it clear, as I submit to you—I want you to understand the question—that you had already pointed out the man when you used these words. What you said before the magistrate was, “I will not swear that the man I pointed out was the man I saw” When you said words like that or something like that, had you pointed out the man, or were you still going to point him out?—I was just going to point him out.

How comes it that you used the expression “I will not swear the man I pointed out”?—I was referring back then to the incident.

To what incident?—To the incident of the identification, or the attempted identification

You had not yet identified anybody You had not pointed anybody out then?—I was speaking then in this Court.

Your lordship will see why I say these words are capable of this construction, because they are in the first person, “I will not swear that the man I pointed out.”

LORD COLERIDGE—Grammatically you are correct.

MR. MITCHELL-INNES—That is what I mean (*To Witness*)—Your account to-day, whether it differs from the account before the magistrate or not, I understand to be that you walked, you will not swear whether it is more than once, down the line, and you went to the police constable and asked, “What am I expected to do?” and he said, “Point him out”; will you just tell us the rest?—Then I said that I would not swear that the man I am about to point out was the companion of Nisbet, but if I was assured that the murderer was here I would have no hesitation in pointing that man out, and I pointed to the prisoner. They were words to that effect. I think I used that expression before.

It was a curious expression, “the murderer” There was no question of a murderer being there, and nobody then had been put on his trial?—Perhaps I should have said the companion of Nisbet; it would have been better perhaps.

Did you use the word “murderer” because you had formed some conclusion in your mind with regard to this case?—No, not at all.

Evidence for Prosecution.

It was simply a pleasant way of referring to the prisoner?—**Percival H. Hall**
(No answer)

Re-examined by Mr. TINDAL ATKINSON—You knew a murder had been committed?—Quite so

I suppose everybody in the district knew a murder had been committed?—Everybody.

You knew what you were called to the police station for?—Yes.

Are you sure that you used the word “murderer” or the “companion of Nisbet”?—I think I used the word “murderer.”

JOHN WILLIAM SPINK, examined by Mr. LOWENTHAL—I live **John W. Spink** at 51 Highbury, Newcastle, and am a fellow-clerk with the last witness. I travelled with him by the 10 27 train on the 18th of March to Stannington We both got into the second compartment of the first coach. I sat down on the seat, but Hall looked out of the window. When we got to Stannington we both got out, putting our bags on the platform. In the carriage to the rear of the one we had got out of I saw the deceased with a companion. Mr. Nisbet was sitting facing the engine on the far side from the platform. He nodded to me and I nodded back to him. The other man was sitting facing the deceased, but I did not know who he was. He resembled the prisoner, but I could not swear it was him. There was nobody else in the compartment except these two people.

Cross-examined by Mr. MITCHELL-INNES—Was the train leaving when you saw Mr. Nisbet and this other man?—I saw them before the train started to move.

I do not want to labour this point, but I wish to remind you that what you said before the magistrates was this—“I noticed the train passing out from the station on its journey I then saw Nisbet”—Well, I saw him then and also before.

Why did you not say you saw him before? Do you mean to say you saw him before the train began to move and after?—What is that?

How long before the train began to move did you see him?—Immediately we got out and put the bag on the platform I then looked into the carriage.

John Alexander Dickman.

John W. Spink How soon after that did the train begin to move?—Probably a quarter of a minute

I suppose when you got out of your carriage you put the bag down just outside the carriage where you got out?—Not necessarily, about between our carriage and the other one.

I understand your account of the matter to be that Mr. Nisbet was facing the engine and the other man was sitting with his back to it?—That is so.

You had an opportunity of identifying this man when you were taken, like your friend Mr. Hall was taken, to identify him?—I had.

And you could not?—No, I could not.

Re-examined by Mr TINDAL ATKINSON—I noticed the man that I saw in the carriage had a moustache I also saw he was wearing a black felt hat

By Lord COLERIDGE—The man was wearing a hard felt hat. When I was called upon to pick out the man I had seen in the railway carriage at the police station I failed to do so and said nothing.

**Mrs. Cicely
E. Nisbet**

Mrs. CICELY ELIZABETH NISBET, examined by Mr. TINDAL ATKINSON—I am the widow of the deceased man, and we lived at 180 Eaton Road, Newcastle He was forty-four years of age last January. He was about 5 feet 3 inches or 5 feet 4 inches in height, of a fresh complexion, wearing a moustache He also wore gold spectacles At the time of his death he was in the employment of the Stobswood Colliery Company as a clerk and book-keeper. On alternate Fridays it was his duty to take the wage-money from Newcastle to Widdrington, and he usually travelled by the 10.27 a.m. train. I live quite close to Heaton station, and it was my habit to meet this train at Heaton station and have a few moments' conversation. I did this every fortnight, not for the purpose of getting wages from him, but just to have a little conversation.

On the 18th March last I went as usual to Heaton station to meet the train. He usually travelled in the rear of the train, and I stood on that part of the platform. When the train came in I missed him, but after waiting for a time I looked up the platform and saw him look out of the carriage window close to the engine. He was looking for me, and, as far as

Evidence for Prosecution.

I can remember, he was in the first or second compartment in the front carriage. While I was having a few moments' conversation with him I noticed there was a man in the same compartment on the seat facing the engine at the far end. I only saw his profile; he had his collar turned up and he never moved. There was a shadow from the tunnel right on to the seat. The carriage was quite close to the tunnel. There is a tunnel right outside Heaton station, and, although the shadow fell on the seat, I saw his profile quite distinctly. I remained there until the train went out. There was nobody else in the carriage but these two. I gave evidence before the coroner and the magistrate. I think my evidence was taken down in writing. Just after I had given my evidence I had to be taken from the witness-box. I was carried from the witness-box after giving my evidence, because I fainted after the last question. The reason I did so was that I recognised the man that I saw in the train—the profile again—in the same position. This was the first time I had seen his face exactly in the same position as I saw it on the morning of the 18th of March. Up to that time I had not been able to identify the man distinctly, but I am now certain that the man I saw in that carriage is the man I now see in the dock, the man Dickman. I am perfectly certain of this.

Mrs. Cleely
E. Nisbet

Cross-examined by Mr. MITCHELL-INNES—You are more certain to-day than you ever were before the magistrates?—Yes, I am certain.

You are more certain to-day than you ever were before the magistrates?—I beg your pardon.

You are more certain to-day than you ever were before the magistrates?—I am.

Because so far as you got on that day, according to your evidence here, you said, "All I can say is that he resembled the man sitting behind."

You pointed to Dickman sitting behind?—Yes.

What you said then was he resembled the man sitting behind. That is all you could say?—Yes, I recognised him distinctly.

What I want to know is this. What has made you certain, since you said that, that the man is here?—If I did not say so then, I felt certain then.

John Alexander Dickman.

Mrs. Cicely
E. Nisbet I thought you told my friend that you are quite certain this is the man you saw?—Yes.

Why are you certain to-day if you were not certain before the magistrate?—I do not remember saying I was not certain.

I am trying to help you. It is before his lordship, and he can correct me if I am wrong. The most you could say then was, "He resembled the man sitting behind you" (pointing to Mr Pearce) "with his face this way." Was that what you said?—If it is there it would be right, but I scarcely remember again.

I accept that answer, Mrs. Dickman!—Please will you not call me Mrs. Dickman You have called me Mrs. Dickman all through.

I beg your pardon, Mrs. Nisbet. Do you remember saying on the occasion when you were first called, "I can only say there was another man there in the compartment"?—Yes, I did say that.

"There was a heavy shadow thrown right on to the man"?—Yes.

You described the shadow in this way, if you will listen to me "What I did see was in a shadow a man—it was right on to the man—sitting on the seat in the far corner of the carriage." Is that right?—That is right.

The shadow was right on to the man?—Right on to him.

He had his hat on?—Yes

His collar held up in the way you have described?—Held up.

You are quite sure he was sitting with his face to the engine?—Yes

Re-examined by Mr. TINDAL ATKINSON—The word "resembled" is written down in your evidence, after you had seen this man's profile. I want you to understand that the word "resembled" is found in the depositions, that it is in the evidence as written down that you gave before the magistrates?—Yes.

Do you remember whether the word "resembled" was yours, or whether it was the word of the person who was examining you?—Well, I do not remember saying that. I was so perfectly sure after recognising the man in the dock—I was perfectly sure of it.

Evidence for Prosecution.

The first time you were before the magistrate was the time when you fainted?—Yes, I was carried out Mrs. Cicely
E. Nisbet

You came up again?—I came back again the same day when I came round. I told them what I thought was the cause of my fainting. I waited to be called upon during the afternoon, but I was not called upon. That is the same day.

I think you asked on the second occasion when you came back to be allowed to make a statement?—Yes, I did

JOHN ATHEY, examined by Mr. LOWENTHAL—I am a ticket collector at Morpeth station, and I was on duty on the 18th of March last. I remember a man passing the barrier and paying excess fare. He tendered the outward portion of a third-class return ticket from Newcastle to Stanington and 2½d. This is the ticket he handed me (produced). I did not tell him what the excess fare was, but when he gave it up to me he said, “I think 2½d. is the correct fare from Stanington,” and I said “Yes,” and he gave me 2½d. and the ticket in my hand. Just when he stood at the barrier his overcoat was loose like that (illustrating with his hand), and he had 2½d. in his hand and the ticket. That was the only excess fare collected at Morpeth from that train that day. I have not been able to identify the man, though the prisoner resembles him as much as anybody. I cannot be certain if it is him. The train was punctual. There was a train returning to Newcastle at 11.24 a.m. The man who tendered me this excess fare made no inquiries from me as to any return train shortly to Stanington. He then went straight off.

Cross-examined by Mr. MITCHELL-INNES—Have you any doubt that this is the man?—Well, I should not like to swear positively; I can only say he is like him

JOHN GRANT, examined by Mr. TINDAL ATKINSON—I am a platelayer, living at Ulgham Crossing, which is between Longhurst and Widdrington. On Friday, 18th March, I was travelling on the train that is due to reach Morpeth at 11.15. I joined it there in order to travel to Longhurst. After I came in I went along the train and casually looked into the third compartment of the first

John Alexander Dickman.

n Grant carriage. I did not see anybody in it. If there had been anybody there I would have seen him. I did not get into that carriage. I got into the first compartment of the second carriage from the engine. I saw Mr Bruce sitting in the first compartment of all of the first coach. I looked casually into the second one, and saw no one in the second compartment. I went into the fourth compartment of the second carriage. I mean it was the first compartment of the second carriage that I got into. There was nobody in the second compartment and nobody in the third.

Cross-examined by Mr. MITCHELL-INNES—At which end of the platform were you waiting for this train?—At the north end of the platform.

That is the engine end?—That is the engine end.

Was Mr Bruce sitting up against the window of the carriage?—He was sitting with his back to the engine—on the platform side.

Up against the window?—The near side.

It would be more easy to see people on the platform side than on the further side?—Exactly.

ohn T. Cosher JOHN THOMAS COSHER, examined by Mr. LOWENTHAL—I am a porter in the service of the North-Eastern Railway Company at Longhurst station. I was on duty on the 18th of March last. I saw the 10.27 train from Newcastle come in. When the train was running into the station I was just coming on to the platform on the north end. When it stopped I was near the front van of the train. I glanced in the carriages as I was walking along the platform shouting the name of the station. There were people in the first coach. The first compartment was occupied, but neither the second, nor third compartments. I saw Mr Grant alighting from the first compartment of the next coach.

Cross-examined by Mr MITCHELL-INNES—I understand you meet the train as it runs in?—Yes.

Then you did your duty walking along the train shouting the name of the station?—Yes.

You glanced into the carriages, and that was the result, so far as you could see?—That is so.

Evidence for Prosecution.

GEORGE HARKER, examined by Mr. LOWENTHAL—I am the G. Harker stationmaster at Pegswood station. I was on duty on the 18th of March last, and was standing on the platform when the 10 27 train from Newcastle arrived. Two passengers alighted from the train—a woman and a little girl. I was standing about the centre of the train when it came into the station. I did not examine the train.

Mr. MITCHELL-INNES—I ask no questions.

GEORGE YEOMAN, examined by Mr. TINDAL ATKINSON—I am G. Yeoman the stationmaster at Longhurst. I remember Friday, the 18th of March, when the 10 27 train from Newcastle came in. Three people got out, a platelayer named Grant, and a man and a woman from Morpeth. I knew them by sight; I think their name is Horstead. Both the man and the woman belong to Morpeth. They came back and joined the 3 31 train in the afternoon; they are in Court now. I knew Nisbet very well. I often used to speak to him on Fridays when he passed through in the train. I did not see him on this Friday, but I did not go up to the head of the train.

Mr. MITCHELL-INNES—I ask no questions.

ANDREW BRUCE, examined by Mr. LOWENTHAL—I am a Andrew Bruce carriage inspector in the service of the North-Eastern Railway Company. I travelled on the 18th of March last by the 10.27 train from Newcastle. I got into the carriage next to the engine, that is, into the leading compartment of the first coach—a smoking carriage. There was another gentleman with me; he got out at Chevington. I saw two young men carrying bags get out at Stannington, who I have since learnt are the witnesses Hall and Spink. I saw them lay their bags down and stand on the platform. I recognised them as being the two I saw in the morning. When the train started the shortest man of the two nodded to somebody in the train—that would be Hall. I got out at Alnmouth.

Cross-examined by Mr. MITCHELL-INNES—I understand the train had started when you saw him nod?—Yes, just started; it was just moving away.

John Alexander Dickman.

Charlton **THOMAS WILLIAM CHARLTON**, examined by Mr. TINDAL ATKINSON—I am the foreman porter at Alnmouth station. On Friday, the 18th of March, I was on duty when the 10.27 train from Newcastle arrived. I examined the train and opened the door of the third compartment of the first coach. Apparently there was nobody in it, but I saw three streams of blood oozing across the floor of the compartment—they were coming out of the end of the seat facing the engine farthest from me. I looked under the seat and found the body of a man lying face downwards, pushed right in under it. The blood was coming from where his head lay. I found a hard felt hat beside his head and a pair of spectacles in two parts. I found one of the pebbles of the spectacles on the arm-rest of the seat facing the engine. The spectacles were broken in two, part of which I found on the floor and one of the pebbles on the arm-rest nearest my side of the carriage. The body was lying across the compartment under the seat from end to end. The piece of glass was on the arm-rest just above where the man's foot was as he was lying. His head was turned from me. I should like to say the train was shunted into a different platform at Alnmouth, and I opened the door on the opposite side of the train from what passengers would land and join the train on the road. The train arrived to time, but the express, which should have passed before it, was late, so we had to shunt the train on to a bay line, and that caused the opposite side of the train to be attended to by the porters. I saw no firearms, nor did I see any bag. I did not move the body myself, but called for the guard of the train and called one of the porters, and also sent for the stationmaster. The stationmaster found a ticket; it was a return ticket, third-class, to Widdrington.

Mr MITCHELL-INNES—I ask no questions.

Ukinson **ROBERT WILKINSON**, examined by Mr. LOWENTHAL—I am a passenger train guard on the North-Eastern Railway, and was in charge of the 10.27 a.m. train from Newcastle on the 18th of March. The train was made up of four coaches. There was a brake at each end. I travelled in the rear brake. I saw a train made up on the 3rd of April, just as it was on the 18th of March. It was then photographed by Mr. Ramsey.

Evidence for Prosecution.

When it was made up I examined all the third-class carriages **R. Wilkinson** and found only one carriage with a picture of Brancepeth Castle in it. Mr. Hepple stood against that carriage for the photograph.

Mr. MITCHELL-INNES—I ask no questions.

WILLIAM HOGG, examined by **Mr. TINDAL ATKINSON**—I am a **Wm. Hogg** contractor and live at Pegswood. I have known the prisoner for some years—between eight and ten. When I knew him first he was secretary of a colliery company at Morpeth. I had no appointment to meet him on the 18th of March at Stan-nington. On that day I was in Newcastle. I came from Pegswood and went in by the early train at twenty minutes past eight. I was engaged in sinking operations at the time at a place called Dovecot. Stannington is the nearest station to Dovecot. I think the prisoner had visited me four or five times before. The last time he was there was on Friday, the fortnight previous to the 18th of March. I had no appointment with him on that day, nor did I know he was coming. He had nothing to do with the work I had on hand. He came by the train that leaves Newcastle some time after ten. He turned up to see me about noon. It would take him about half an hour to walk from the station. I daresay it was the 10.27 a.m. that he caught. Only on one occasion has he asked me for money. I think it would be about the back end of last year, some time about December. I have no note of the date, nor could I give it. He asked for a loan of £2, saying he was in need of a couple of sovereigns to put him over—to tide him over—something to that effect were the words that he used. I gave him a sovereign.

Cross-examined by **Mr. MITCHELL-INNES**—To deal with the point last mentioned, did you understand that he wanted a sovereign to tide him over the week-end?—That is the way he put it to me. I understood it in that way.

You have known the prisoner for some time?—Yes.

You are engaged in sinking operations at this colliery at Dovecot?—Yes.

I believe a Mr. Christie, of Newcastle, is interested with you in those operations?—Yes, he has a little interest in it.

John Alexander Dickman.

Wm. Hogg . You are working a royalty there?—Yes.

Tell me if I am right, had Mr. Christie an arrangement with you to share or help with the expenses?—Yes, he was helping with the expenses

The expenses of the sinking operations?—Yes.

You told us the prisoner had been to see you four or five times previously?—Somewhere about that time.

On each occasion without appointment?—Without appointment.

Did he on any or all of those occasions come to see you about this share of Mr. Christie, or had he spoken to you about a share of the expense of the sinking operation that Mr. Christie had to pay?—He had nothing to do with it.

He had nothing to do with the sinking operations, but had he mentioned about the matter of Christie paying his share to you?—He may have done.

The prisoner knew Christie?—Yes.

I put it to you, for instance, that on the 4th of March when the prisoner came to see you he mentioned to you that Mr. Christie was trying to raise some money by insurance to pay his share?—No, he did not ask me that, nor did he mention it.

I put it to you that he mentioned it to you?—He did not mention it to me.

Let me remind you. Do you remember driving the prisoner back to Morpeth station that day?—No, I did not drive the prisoner back to Morpeth station. I was going back and he had a ride with me.

I do not suggest that you took him on purpose?—I beg your pardon.

I suggest you took him into your trap and drove him to Morpeth station?—No, I beg your pardon, I drove him into Morpeth. I gave him a ride into Morpeth. I did not take him into the station.

It was the 4th of March, I think, that you drove him into Morpeth, a fortnight before the 18th March?—Yes.

Had the prisoner mentioned to you on several occasions the matter of your arrangement with Mr. Christie about the sinking?—He may have done that.

You will not say he did not?—He may have done that.



C. F. Lowenthal, Esq.

Evidence for Prosecution.

You will not say that he did not?—I will not say that he **Wm. Hogg** did not.

I put it to you on the 4th of March whether he spoke about the insurance or not, that the first and chief thing he came to see you about was the question about Christie's contribution towards the payment of the share of expenses for the sinking operations?—I beg your pardon, he had nothing to do with it

Did he mention it?—He had nothing to do with it.

Did he mention it?—No, I do not think he did.

Will you swear it?—I am not going to swear anything. I am telling you that he had nothing to do with it.

By Lord COLERIDGE—The point is whether he mentioned it to you?—I do not think he did

By Mr MITCHELL-INNES—Will you swear he did not?—I will not swear either the one thing or the other, but I do not think he did

By Lord COLERIDGE—He did not mention Christie at all?—He may have mentioned Christie

Lord COLERIDGE—That is just what you are being asked.

By Mr. MITCHELL-INNES—I wish you would be straight in your answers. Did he mention Christie or not?—Well, probably he did mention Christie.

Why do you say probably—because he generally did?—Well, sometimes he did and sometimes he did not.

Did he not mention Mr. Christie to you because Christie was interested in the sinking operations with you. Be careful?—I did not catch that question.

Did he not mention Mr Christie to you because Christie was interested in the sinking operations with you?—If he mentioned Christie that was the reason he mentioned it

Then he did mention Christie. We have got it at last. I think you told us that he generally came by the 10.27 train?—No, I have not told you that.

What have you told us?—I told you that that day he came by that train.

What train did he generally come by?—I do not know.

On that day he came by the 10.27?—He came by that train.

John Alexander Dickman.

Wm. Hogg Re-examined by Mr. TINDAL ATKINSON—Do you mean on the 4th of March?—I mean on the 4th of March.

On the 18th?—On the 18th I never saw him

You never saw him at all?—No

You did not know he was coming?—No, I did not know he was coming.

I want to know what is the state of your mind. Have you any distinct recollection of his mentioning Christie's name to you at all?—I do not want to say whether he may have done it or not.

He may have done lots of things, but have you any distinct recollections at all?

Mr. MITCHELL-INNES—I submit this witness has clearly said he did mention it.

The WITNESS—I would say he has done it.

Lord COLERIDGE—He said to me when I asked him that he may have mentioned Christie's name, and if he did it may have been with reference to the sinking operations.

The WITNESS—Yes

Re-examination continued by Mr. TINDAL ATKINSON—Have you any distinct recollection of his mentioning Christie's name at all?—I could not say which.

If he did mention Christie's name it would be in connection with the sinking operations?—Yes.

He had nothing to do, as I understand you, with the sinking operations?—Nothing

What part had Christie to do with the sinking operations?—He was interested in it.

He was interested in the colliery?—Yes.

There is one question which I ought to have put before if your lordship will allow me to put it now. You say he was secretary to the Morpeth Colliery Company?—Yes.

How long ago was that?—It would be about six years since he was done with it.

Do you know whether he has been in any situation since?—Not as I know of.

What became of the Morpeth Colliery?—It was sold to Mr Christie, and Mr. Christie and a company bought it.

Is it working now?—Yes, under a new company again; it has been sold again.

Evidence for Prosecution.

Is the company in existence to which this man was secretary? **Wm. Hogg**
—No.

It came to an end?—It came to an end.

As far as you know, since that time he has not been in any situation?—Not that I am aware of.

By Mr MITCHELL-INNES—Arising out of that, do you know or not that the prisoner negotiated the sale of the Morpeth Moor Colliery?—Yes.

He did?—That is quite correct.

Do you happen to know that he got a commission out of it of £400?—Yes I do not know exactly what amount of money he got.

He got a good commission?—I know he got a good commission.

I think the colliery company which was formed after the purchase of the Morpeth Colliery was called the Wansbeck Company?—Yes.

That is right?—Yes.

It included the Morpeth Moor Colliery?—Yes.

It was the same colliery?—Yes.

In that Mr. Christie was interested?—Yes.

ANDREW TAIT, examined by Mr LOWENTHAL—I am a detective- **Andrew T**
inspector in the Newcastle city police force. On the 21st of March I went to No 1 Lily Avenue, Jesmond, where the prisoner lived. I reached there about 4.35 p.m., and rang the bell, which the prisoner answered. I said to him, "Are you Mr Dickman?" He replied "Yes." I said, "John Alexander Dickman?" He said "Yes." I said, "Were you at one time employed as book-keeper with a firm of shipbrokers in this city?" He replied "Yes." I then told him who I was, and added, "The Northumberland county police have been informed that you were seen in the company of the murdered man Nisbet on Friday morning last. I have since learnt that you are an acquaintance of his. If that is so, the county police would like to know if you could throw any light on the affair." The prisoner replied, "I knew Nisbet for many years. I saw him that morning. I booked at the ticket window with him, and went by the same train, but I did not see him after the train left. I would have told the police if I had

John Alexander Dickman.

Andrew Tait thought it would have done any good." I then asked him if he would accompany me to the detective office and see Superintendent Weddell and give a statement. He replied "Certainly." He then went back into the room and took off his slippers and put on his boots. I was in the room with him while he did it. We then went to the detective office, and I introduced him to Superintendent Weddell. The prisoner in my presence then made a statement, which the superintendent wrote down and handed Dickman to read, which he did, saying it was correct. After this statement had been taken he was arrested by Superintendent Weddell. We searched him, and found upon him the sum of £17 9s. 11d. in money; fifteen sovereigns were in gold in one of Lambton & Co.'s small bank bags. It is a similar bag to the one in Court. The remainder of the money, which was in his trouser pocket, comprised one sovereign, two half-sovereigns, one half-crown, one florin, three shillings, four sixpences, and five pennies. We also found a handkerchief, pair of gloves, and other articles. The gloves were tan gloves made of dog skin. The card case contained, among letters and cards, a local money-lender's card, which has been already produced in Court. On it is a memo. of a loan of £20 to the prisoner in October, 1909. The name of the lender is—

Lord COLERIDGE—"Cash Accommodation and Investment."

Examination continued—That is really the man Cohen, 130 Northumberland Street. There were eleven articles found altogether.

The PRISONER—You have not mentioned the diary you found. That is it. You will see my signature inside. You might hand that to the jury, please.

Lord COLERIDGE—I see this contains a coupon of an insurance ticket for J. Alexander Dickman, Ocean Accident and Insurance Corporation.

Mr. MITCHELL-INNES—I understand the prisoner's point to be that he wishes the Court and everybody concerned in this case to see the way he signs his name. His name is signed to the coupon and insurance ticket "J. Alex. Dickman."

Cross-examined by Mr. MITCHELL-INNES—Mr. Dickman on this morning made the statement perfectly freely?—Yes.

And truly?—Yes.

He went with you readily?—Yes.

Evidence for Prosecution.

He showed every disposition, so far as you could judge, to **Andrew Tait** assist?—Yes, he came away at once.

I take it that until he told you he had booked at the same time as Nisbet that morning, and had gone by that train, you did not know that?—No.

That was the first you heard of it?—Yes.

That statement you believed to be true?—The statement that he went by the same train?

And that he booked with Nisbet or next to Nisbet at the booking office?—The evidence bears that out.

You are not able to contradict it, and, so far as you know, it is true?—So far as up to that.

To-day, I am asking you?—Up to where he says——

It is being suggested to-day that he did go by the same train as Nisbet?—Yes

That was the first information from him or from anybody that you had of that point. That was the first you had heard that he had gone by the same train as Nisbet when you asked him that on this particular day?—That was the first time I had heard that. He had been seen, but I did not know that he had gone by the same train until then.

Re-examined by **Mr. TINDAL ATKINSON**—I suppose the Northumberland county police were the persons getting up this case?—Yes

The information on which you acted was not got in any way except through the Northumberland county police?—No, the Northumberland county police telephoned through on the Sunday

Did your information come from the Northumberland county police?—Yes

You yourself knew very little or nothing about it?—Nothing, until I got that information from the county police.

It was in consequence of that information that you went and saw him?—Yes.

By **Lord COLERIDGE**—You did not know how much or what the county police knew or suspected?—No; we got a telephone message on the Sunday that a man named Dickman had been seen with Nisbet in the Central station. We were not told in what part or anything. Then I made inquiries on the Sunday night to locate Dickman. I did not know the man, and I

John Alexander Dickman.

Andrew Tait made inquiries on Monday, and I was not very sure that I had got the right man, because he was living in a good residential district, living in a £30 house, costing, with rates, £40 per year. All my inquiries amongst people who knew him said that he was very hard up; therefore I was not sure that he was the man.

John Weddell **JOHN WEDDELL**, examined by Mr TINDAL ATKINSON—I am superintendent of police for the Newcastle division, and am stationed at Gosforth. I heard of this on the 18th of March, and I was at the police station on the 21st of March when the prisoner was brought in. He was in the office, as was also the last witness Tait, when I arrived. He introduced Dickman to me, saying, at the same time, "This is Mr Dickman, and he will give you a statement respecting what he knows about the train murder on Friday." The prisoner said he would do so, and he made a statement. I did not press him in any way. It was an entirely voluntary statement. I took it down in writing, and after he had finished, I handed it to him, and he read it himself. He said it was quite correct. The original of this statement is attached to the depositions.

The CLERK OF ARRAIGNS read the following statement by John Alexander Dickman:—On Friday morning last I went to the Central station and took a ticket, return for Stannington. Nisbet, the deceased man, whom I knew, was at the ticket office before me, and, so far as I know, had left the hall by the time I got round. I went to the bookstall and got a paper, the *Manchester Sporting Chronicle*, then to the refreshment room, and had a pie and a glass of ale. I then went on to the platform and took my seat in the third-class carriage nearer the hinder end than the front end. My recollection is, although I am not clear on the matter, that people entered and left the compartment at different stations on the journey. The train passed Stannington station without my noticing it, and I got out at Morpeth and handed my ticket with excess fare, 2½d., to the collector. I left Morpeth and walked to Stannington by the main road. I took ill of diarrhoea on the way, and had to return to Morpeth to catch the 1.12 p.m. train, but missed it, and got the 1.40 slow at Morpeth. After missing the 1 12 p.m. I came out of the

Evidence for Prosecution.

station at the east side, and turned down towards the town. **John Wedd** I met a man named Elliott, and spoke to him I did not get into the town, but turned and went back to the station, and got the 1 40 p.m. slow to Newcastle. I got a single ticket for Stannington, and did not give it up I gave up the return portion at the Manors. I have been very unwell since, but was out on Saturday afternoon and evening. I went on this journey to see a Mr Hogg, at Dovecot, in connection with a new sinking operation there.

Examination continued—I did not arrest him immediately, but I did so a short time after, when he was searched. I have been in Court and heard the account that Tait has given of the things that were found on him, and it is correct. He made no observation about anything when the money was found on him. He was cautioned and charged, and in answer he said—"I do not understand the proceedings; it is absurd for me to deny the charge, because it is absurd to make it. I only say I absolutely deny it" On the 21st I went to the prisoner's house at 1 Lily Avenue, Jesmond, with some other officers, and searched the premises We found a bureau there, and opened it with a key the prisoner had in his possession. It contained various papers and some letters and books relating to banking. There was also a life preserver. I did not find any pawn tickets that day, but I did on the 26th when I went again to the house. There were two pawn tickets (produced), one is dated the 1st March in the present year, and the pawnbroker is J. E. Wilson, 12 Pilgrim Street, Newcastle-on-Tyne, and the article—a field glass—is pawned in the name of John Wilkinson, and the address given is 180 Westmoreland Road The money advanced on the pledge is 12s 1d The second pawnbroker is James Somerfield & Sons, of Pink Lane, Newcastle. It refers to a pair of field glasses pawned on the 17th March, 1910, the day before the murder, for 15s, by one John Wilkinson. I also produce, among other letters, some letters apparently written by the wife to the prisoner. They are attached to the depositions. I also found two pass-books, one relating to an account at the National Provincial Bank, the other showing an account at Lambton's They refer to accounts the prisoner had at one time at these banks

John Alexander Dickman.

1 Weddell The PRISONER—Those accounts are not closed. Excuse me interrupting.

(Pass-books were handed to his lordship)

Lord COLERIDGE—Apparently the account at the National Bank is closed on the 31st December, 1909, with a balance of 3s. against the prisoner. The other account, at Lambton's, on the 11th August.

Examination continued—I subsequently got some clothing from the prisoner's house—that is, I took it on the 21st. The only clothing of importance was a pair of trousers and a pair of suede gloves, which I produce. On the left hand glove, on the thumb, is a piece cut out by Dr. Boland. When I took possession of it I noticed a slight, dark stain on the top of the thumb. I gave the gloves to the doctor. As to the trousers, I did not myself notice anything on any part of them, but they were also submitted to Dr. Boland. I was present in the Newcastle station when the train was made up supposed to have been identical with the 10 27 a.m. train of the 18th March. The witness Hepple was standing on the platform. He was then told to stand by the compartment in which it was alleged he was riding. He identified that compartment by the photograph of Brancepeth Castle, which was in the last compartment but one in the third coach. The witness Hepple took up his position at the door of the compartment spoken of, and I, in company with Superintendent Tait, went towards the front part of the train. He arranged to give us a signal to stop when we got to the place where he last saw the man Dickman about to enter the compartment on the morning of the 18th. We walked up the side of the train, and after getting to about the middle of the compartment next the intervening carriage between where Hepple was and the front carriage we turned and went slowly backwards. He had arranged to hold up his hand as a signal when we reached the spot I have already indicated. We went slowly backwards before getting the signal. Facing Hepple, we passed the intervening coach, and after passing the door of the carriage next to it, about, I think, three feet, we walked past the carriage door and nearer to the engine. He held up his hand as a signal for us to stop. We were then at the spot opposite where he saw the last of the person he says was the

Evidence for Prosecution.

prisoner I have made a thorough search to see if I could find **John Weddell** a revolver, but have only found four bullets. They are of different sizes—two pairs—one capped with nickle, and the others ordinary leaden bullets.

Cross-examined by Mr MITCHELL-INNES—When Dickman made the statement to you in the police office he made it quite freely?—Quite freely

And frankly?—Yes

In fact, you say it was entirely a voluntary statement?—Yes.

He did not seem disturbed or excited?—No

You were in charge, more or less, of this case?—Yes.

I take it his statement conveyed to you a good deal of information you had not before?—At that time, yes.

Just let me see what he has told you that you did not know at that time. Did you know that he had known Nisbet except that he had been seen at the station—did you know that he had known him?—No, I cannot say that I did.

Did you know that this man Dickman had seen Nisbet at the ticket office that morning?—No.

Did you know then that the prisoner was going to Stannington that morning?—No.

Did you know that the train passed Stannington unnoticed by him then?—He told me so.

Did you know from other sources except from what he told you?—No.

Apart from his statement, did you know that he got out at Morpeth?—Not at that time.

That is my question. Did you know that he paid the excess fare of 2½d., the difference from Stannington to Morpeth, on his return ticket to Morpeth then?—No.

Did you know that he had met a man called Elliott at Morpeth?—I did not.

Did you take the trouble to test that question, whether he had seen Elliott?—It has been done.

I know it has, and you found that it was true?—Yes.

On the occasion of the application for remand before the magistrates the police called a witness named Sanderson, who was with Elliott when Dickman met him?—Yes

Is Sanderson here to-day?—Yes

John Alexander Dickman.

hn Weddell You were in Court when Sanderson gave his evidence?—

Yes

Mr TINDAL ATKINSON—This was some time after one o'clock.

Mr MITCHELL-INNES—Yes, but Sanderson was called before the magistrates. (*To Witness*)—Did you, before the magistrates, hear Sanderson say that Dickman spoke perfectly rationally and quietly to Elliott?—Yes.

And that there was nothing remarkable about him at all?—

Yes

That he talked about odds on horses?—Well, I do not think there was anything said—I do not recollect anything being said about that.

He was called, but he is not on the depositions, and I do not know why?—No deposition was taken.

Mr. TINDAL ATKINSON—I am told he was called for the purpose of remand. His evidence was not considered of sufficient importance to make him a witness.

Mr. MITCHELL-INNES—For the prosecution

Mr. TINDAL ATKINSON—Quite so.

Mr. MITCHELL-INNES—I quite appreciate that (*To Witness*)—Do you remember Sanderson saying on that occasion that he talked about bets on horses with Elliott?—I do not think he went into any details. My recollection is that he just made a single remark about what was going to win.

By Lord COLERIDGE—Who made the remark?—Dickman and Elliott made the remark to each other, and, as far as I can recollect, that was all that passed. That is my recollection of it.

By Mr. MITCHELL-INNES—Let me see if I can refresh your memory. Did you hear Sanderson say that Dickman asked Elliott what he fancied for the big race?—Possibly that might be so. I am not prepared to swear.

Lord COLERIDGE—He heard Sanderson say what?

Mr. MITCHELL-INNES—No, Sanderson heard Dickman say, "What do you fancy for the big race?"

Lord COLERIDGE—This witness is only saying what he heard Sanderson say.

Mr. MITCHELL-INNES—He heard Sanderson say that Dickman said something to Elliott, and I want to know what it was. (*To Witness*)—Will you just follow my question clearly. I

Evidence for Prosecution.

want to get this clear. Did you hear Sanderson, in Court John Weddell before the magistrates, say this, "Dickman talked quite rationally, and asked Elliott what he fancied for the big race?"—Yes, I think that was in cross-examination.

That is so It is equally a statement of truth, we hope?—Quite so.

Did you hear Sanderson say that he, that is Dickman, talked quite rationally, and appeared quite a rational being?—Yes.

So that with regard to that part of his statement you tested it and found it to be true?—Yes.

On the other parts of the statement I need not trouble you. You were also informed in this statement that he went out to see Mr Hogg at Dovecot?—He said so.

Mr. TINDAL ATKINSON—The form of your question is ambiguous.

Mr. MITCHELL-INNES—I beg your pardon (*To Witness*)—I believe you have had the whole of this man's clothes which he wore upon this day under your examination?—Well, the whole of the clothing belonging to him, but what he wore on that day I cannot say.

I quite agree that you were not there. Have you had all the clothes that could be found in his house handed over to you?—Yes, and also everything that he wore on his arrest.

Both the outer clothing and the underclothing?—Yes.

Has any kind of stain or trace of anything the least suspicious been found on any of his garments except that spot of blood on the top of the thumb of the glove?—Well, I am not prepared to say.

So far as you know?—I think the doctor will be better able to say that.

You are in charge of this case So far as you know is that all that has been found?—

Lord COLERIDGE—Will you put the question again?

Mr MITCHELL-INNES—So far as the witness knows, has any stain of any suspicious character been found on any of his clothing except upon the thumb and forefinger of the suede gloves, and, secondly, a few stains on the inside pocket of the trousers?

Lord COLERIDGE—You omitted that.

Mr. MITCHELL-INNES—I was going to put that in a moment

John Alexander Dickman.

John Weddell The WITNESS—Well, I am scarcely prepared to say what is suspicious and what is not

By Mr MITCHELL-INNES—Then I will put it to you perfectly frankly Has it been suggested that any other stain of blood has been found?—No

You have not traced a halfpenny of this money except the £17 to Dickman?—No.

Unless it is the £17, you have not traced the money to him at all?—No.

In the discharge of your duty, perfectly properly, you have taken considerable trouble in trying to trace it?—Yes.

You have dug up his garden, I think; you have taken his piano to pieces; you have searched his cistern; you have taken out all his drawers, and had up all his carpets?—That is so.

You found nothing?—Nothing

You have found no pistol?—I have found no pistol

Either in his house or in the neighbourhood of which he lived?—We have found no pistol anywhere.

Have you taken trouble and been at pains to search the neighbourhood of Morpeth and the surrounding country?—It has been done undoubtedly, but I have not been there

You have not, but it has been searched by your orders?—I understand so, by the orders of the chief constable.

Do you know from your inquiries that Dickman, as a matter of fact, was to some extent a betting man?—Yes.

Do you know that a subscription was raised for him in the Bigg Market for the purposes of his defence?—I have heard so.

By Lord COLERIDGE—Is that an agricultural market?—No, my lord.

What kind of market is it?—When the counsel mentions in the Bigg Market I think he means the frequenters of the Bigg Market. The Bigg Market is largely frequented by book-makers.

Mr. MITCHELL-INNES—So I understood. (*To Witness*)—Is it a market for anything else except bookmakers?—Yes

A sort of Saturday Fair goes on there?—Yes

I think it is the fact that you have had handed over to you amongst his clothes a pair of tan gloves, or brown gloves. I think they were produced by the previous witness?—Yes.

And a snuffbox?—Yes.

Evidence for Prosecution.

Re-examined by Mr. TINDAL ATKINSON—Did you find amongst John Weddell his papers a bill in the name of Dickinson?—Yes.

Have you got it there?—Yes.

How many?—Four

Will you give me the document?—I may mention that two of these bills were produced at the committal. The other two I found amongst his papers between the committal and the inquest. The third and fourth were produced at the inquest.

This is a receipt for 3s. 6d. of the 21st of October so far back as 1904. The next is an invoice of S & C. W Dixon, boot and shoe makers—that is, “Mrs. Dickinson, 1 Lily Avenue, Jesmond. 1st January, 1908, shoes soled and heeled, 3s. 9d , received ” Then on the 14th January, 1908, there is from Bainbridge & Co., Newcastle-on-Tyne, “credit bought department, Mr. Dickinson, 1 Lily Avenue, 2s. 4d ” Then there is Newcastle and Gateshead Water Company, Dickinson, November, 1907. Those are the documents. They are all in the name of Dickinson, and the address, I think I am right in saying, of every one is 1 Lily Avenue?—Yes.

My friend has asked you whether or not you knew the circumstances which were referred to in the prisoners statement before he made that statement to you. You say “No ”?—No.

Among other things he has asked you whether you knew whether he passed Stannington station unnoticed. Do you know that now?—Yes.

But personally, except from what the prisoner has told you, that he did not notice the station when he passed through it, have you any other information?—Except that, none whatever.

Except what he told you, that he had gone into the hinder part of the train, do you know that?—That was directly contrary to the information I had at that time.

Dr. CHARLES CLARKE BURNHAM, examined by Mr. LOWENTHAL Dr. Burnham
—I am a police surgeon, residing at Alnwick. I have examined the witness, George Nisbet; he is suffering from pneumonia, and is quite unfit to be here to-day.

Mr MITCHELL-INNES—I ask no question.

John Alexander Dickman.

ohn Nicholas JOHN NICHOLAS, examined by Mr. LOWENTHAL—I am assistant magistrate of this Court I was sitting when the witness, George Nisbet, gave his evidence, which was taken down in writing and signed by him It is in the deposition before my lord.

The CLERK OF ARRAIGNS read the following deposition.—
“George Nisbet, having been sworn, said—I am a police constable stationed at Alnmouth. I was called by the witness, Charlton, to see the body of the deceased man. I made a search of the body I found no leather bag of money nor any weapon. I found four bullets in the presence of the doctor and Superintendent Bolton, one when the body was found, two the next morning at the post-mortem, and one in the carriage shortly afterwards These bullets are produced by Supt. Weddell ”

Dr. Burnham Dr. CHARLES CLARKE BURNHAM, recalled—On the 18th of March I examined the body of Mr. Nisbet at Alnmouth station, at two in the afternoon. I made a report to the superintendent of police, which report was put in before the magistrate.

Lord COLERIDGE—I should think much the best plan were to ask how many wounds there were—what each wound was caused by, and the calculated result of each wound on the man—and then we should have something clear in our minds.

Mr. MITCHELL-INNES—Subject to what your lordship’s opinion is on the matter, I may say that so far as this witness is concerned, I should complain of no question not being asked if the reports could be put in and read.

Lord COLERIDGE—I have read the report, and I think, without saying anything derogatory, it is a confused report I think I should like to have it more clearly described.

‘Examination continued—I found certain wounds upon Mr Nisbet’s body; there are five in all. The first wound was designated in my report—

By Lord COLERIDGE—In your report which I have before me, you enumerated five wounds. Will you take each one and deal with it separately and tell us in each case where it was, by what it was produced, and what the effect was? You may look at your notes. Have you the bullets before you?—Yes.

Evidence for Prosecution.

Was the first wound a bullet wound or a punctured wound? **Dr. Burnham**
—They were all punctured wounds.

Of course they were, but there were some bullet punctures. You know the difference between a punctured wound and a bullet wound. Was it, in your opinion, done by such a thing as a bullet or by an instrument like a knife? What is the first wound—how would you characterise it?—If I might describe these slighter wounds, the first wound would be behind the right ear.

Was it a bullet wound?—A bullet wound distinctly.

Where was it?—Immediately behind the right ear.

Where did the bullet pass?—The bullet had just entered the skin of the neck, but had not entered the skull. It had just touched the tissues of the skull and had not caused any injury to the bones below.

It had not injured the bones—is that right?—Quite right.

By **Mr. LOWENTHAL**—Therefore, that wound had no serious effect?—None.

Lord COLERIDGE—We know you describe your first wound in your report as a bullet wound under the left eye.

Mr. LOWENTHAL—He is taking the third in the report.

By **Lord COLERIDGE**—Let us take them one by one. I do not want No. 3. What is No. 1? Was there a bullet wound under the left eye which you described in your report as wound No. 1?—Yes.

Examination continued—I have the notes of my report before me from which the full report was taken. First of all there was the large wound, not the small wound. The large wound was under the left eye. It passed underneath the nose, evidently through the bones, puncturing the right cheek bone. It was caused by something discharged only a few inches distant. The direction of the wound passed from the left side to the right through the nose, and I found a bullet in the temple bone on the right side, then it took a slightly upward course through the tissues of the nose. It did not enter the cavity of the skull proper, but went through the bones of the face. The bullet showed marked signs of having destroyed the bone. This is the bullet I have in my hand. It is a lead bullet, not cased with nickel. The natural result of such a wound would not be to cause death, it is a very serious wound;

John Alexander Dickman.

Dr. Burnham it would cause a very large amount of hemorrhage and shock, but is not necessarily fatal. It would stun, and I do not think a man could do anything after he had received it. There was a tissue fracture of the bones of the face, and there was so much hemorrhage through the tissues of the nose, through which it had travelled, that I should think the result of the injury would be such that the deceased would be rendered unconscious. That is all I have to say about the first wound.

As to the second wound on the left forehead, it is a very superficial wound, and is caused by a bullet which I produce. The wound is over the left forehead, over the left eyebrow. This bullet, you see, is nickel capped; it was removed from the wound, and shows no sign of injury at all. The wound also shows very little sign of burning. The wound is just superficial, and this bullet was lying underneath the skin just below. It had produced no injury to the bone, and its direction was downwards towards the eyebrow, which leads to the presumption that when the bullet was discharged the man must have been lying down or prostrate. It was a superficial wound, and the bullet was lying underneath the skin, and had produced no injury to the bone.

As to the third wound, this was a punctured wound just behind the left ear—no bullet was found. In my report I mentioned the small wound just behind the right ear first, so I will make the wound behind the right ear No. 3 to keep sequence. The bullet had just entered the tissues of the skin and had not penetrated the bone. The direction of the bullet was straight inwards, through the scalp and no more. This wound was not dangerous at all.

As to the fourth wound, it was a punctured wound behind the left ear; no bullet was found in the wound, but a bullet had caused slight injury to the bone below, but no fracture. It had been inflicted with a greater amount of force, and it had inflicted a greater amount of injury than the other bullets, though it had not entered the skull nor exactly injured the bone.

Mr. LOWENTHAL—Did the witness tell your lordship that the wound behind the left ear did not enter the skull?

LORD COLERIDGE—That is what I am asking him.

The WITNESS—The wound behind the left ear is the one which has injured the bone slightly.

Evidence for Prosecution.

By Lord COLERIDGE—That is what your report says—"The Dr. Burnham lower of the two wounds behind the left ear is found to extend into the skull"?—But we have not got to that yet

By Mr LOWENTHAL—I believe you made the post-mortem, and you found there were two wounds behind the left ear?—There was a superficial wound, but the wound below that is a deeper wound.

By Lord COLERIDGE—Then wound 1 disappears altogether. There were only five?—Behind the left ear there is a superficial wound which just touches the skull bone. Two inches below that, on the left side, is the wound which enters the skull, and this is the bullet of it (Produced.)

By Mr. LOWENTHAL—Those are separate and distinct wounds?—Yes In my report I say 2 inches below this is the left wound, which I describe as one which passes into the skull

By Lord COLERIDGE—Then that makes six wounds?—No, five wounds.

Lord COLERIDGE—I really do not follow this.

Examination continued—Under the left eye is No. 1 wound, the wound on the left forehead is the second wound, the punctured wound that passes behind the right ear is the third wound, the punctured wound behind the left ear is the fourth; the fifth wound is 2 inches below that. There are two behind the left ear; the first wound behind the left ear is superficial, and the second wound extends into the skull. The wound I am speaking about is the one behind the left ear, which is quite superficial, and just touches the bone of the skull and no more

Lord COLERIDGE—May I ask where in your post-mortem you allude to No. 4 wound, which you describe as the punctured wound with a ragged edge behind the left ear? It is a great pity you did not keep the wounds in the same order with the same description.

Examination continued—My external examination was reported before my post-mortem examination. The punctured wound behind the left ear did not fracture the skull, and no bullet was found in that wound. It was a lacerated wound, without any signs of burning. Two inches below that wound was a large, ragged one, which entered the skull. This is a bullet wound exactly similar to the one we described under

John Alexander Dickman.

Burnham the left ear. This penetrated the cerebellum and the medulla, and was found in the anterior part of the brain. It must have caused death instantaneously. It was a similar bullet to No. 1, and traversed both the cerebellum and the medulla in the direction upwards across the face. The bullet was lying behind the left part of the right eye. Presumably the man's hand that had fired it was below the level of the deceased's head. This wound was caused by the bullet which was discharged through the coat; I have the cloth which is cut, and it corresponds exactly to the injury. I put the coat in position, and it showed the bullet had traversed through the overcoat collar before entering the brain. The coat shows distinct evidence of burning. Having regard to the position of the wound and the position of the man's body, I should say the coat must have been pushed up, because the bullet entered just at the juncture of the neck, so that the overcoat collar must have been up, or it would not have traversed it. The direction of the bullet was upwards. I found the fourth bullet in the carriage behind the upholstery below the arm rest. It is exactly the same as the little bullet found in the forehead—nickel capped. I produce it. It shows signs of indentation, and was found lying loose on the seat. I saw the railway carriage at half-past two. There was blood running down between the cushion and the back of the arm rest. I traced that down to the seat, and it was there that I found the bullet. The blood had trickled down behind the arm rest on to the floor at the back, showing that the deceased's head must have been backwards, because had it fallen forwards the blood would have been in front. It was behind, showing it had gone down exactly in the angle between the arm rest and the cushion. When the body was put under the seat it would continue to bleed from the wound in the face. There was considerable abrasion on the forehead, where the bullet was lying. The blood would continue to flow from the wound which had traversed the nose bones.

Cross-examined by Mr MITCHELL-INNES—I do not want to prolong the discussion of this matter, but I think you said you found blood on the neck and the front of the overcoat and other articles of clothing?—Certainly.

Evidence for Prosecution.

It had flowed back and down?—It was all over the hand **Dr. Burnham** which was not covered with the glove, and also it covered the glove. It covered his clothing where he had been lying

As well as the upholstery and the floor?—Yes They had covered the floor with sawdust when I saw it, but there had been a considerable quantity of blood about

As a matter of fact, blood was still flowing when you examined the body?—Yes, especially from the pistol wound in the skull.

Re-examined by Mr. TINDAL ATKINSON—Would there necessarily be a large quantity of blood at the moment after this man met his death?—The blood which flowed from his nose would be very considerable. The wound at the back of the head opened large vessels which would bleed considerably

Would it commence at once?—Yes.

Where would the blood be flowing from?—In whatever position he was in the hemorrhage would take place where the face had been injured, particularly the posterior wound, or the wound in the nose

He would continue to bleed after death?—Yes; it would run out especially from this posterior wound—especially if he lay on his back.

That is the wound behind the ear?—Yes.

The Court adjourned.

Second Day—Tuesday, 5th July, 1910.

Evidence for the Prosecution—continued.

John Athey **JOHN ATHEY**, recalled, by Lord COLERIDGE—With regard to the question of the excess fare, and as to the man who paid it, I could not make certain of the colour of the coat, but the person was wearing an overcoat. I could not swear positively as to whether he had a bag with him or not, as I could not see his right hand. I have seen the bag, which is of considerable size, and if he had that bag he must have kept it under his coat; but I could not say that he had no bag with him—certainly he was carrying none outside, but I did not see his right hand. When he wanted to bring his hand up he had to partially turn towards me—he had to push back the lapel of his coat in order to get his hand past into his pocket. I am certain the man had an overcoat on

H. Hymen **HENRIETTA HYMEN**, examined by Mr LOWENTHAL—I am a single woman, and manageress of a business at 35 Groat Market, Newcastle. I know the prisoner; he has had letters addressed to my shop under the name of Fred Black. In January of this year he told me what his real name was. He also had parcels addressed to my shop under the name of Black, one of which contained a gun. The parcel would be a foot in length—a fairly long parcel.

Lord COLERIDGE—That would be a short parcel for a gun.

(The witness illustrated the length of the parcel on the bar of the witness-box, making it about 2 feet.)

Examination continued—I know it was a gun, because Mr. Black told me at the time that he was expecting one, and asked me to take it in and pay the carriage. This was in October, last year. A post card came a few weeks after the gun, for Fred Black. It asked for the return of the revolver sent in error. I gave it to the prisoner. There was a small

Evidence for Prosecution.

parcel at the shop at the time—it was a very small parcel **H. Hymen**
I do not know what it contained, except that the post card said
it contained a revolver.

Cross-examined by Mr. MITCHELL-INNES—I think you keep
a newsagent's and stationer's shop?—I do.

The prisoner used to get his newspapers from you?—He
did

As I understand, he used your shop to receive his letters
and call for them?—Yes.

Do you know of your own knowledge—do not say if you do
not—what was the character of a great many of the letters
he received?—They were betting letters.

And telegrams?—Yes.

Betting telegrams?—I should think so.

Do you know?—No, I do not know about the telegrams,
just about the letters.

You knew what the letters were?—Yes.

Did you happen to know what the address was of the
person who sent this post card about the revolver?—Yes, I
think it was Bell Brothers, Glasgow

Did you notice whether their address was Waterloo Road?—
I believe it was.

By Lord COLERIDGE—Are you speaking of the post card?—
The post card

By Mr. MITCHELL-INNES—I am asking about the post card
as to the revolver. It came from Bell Brothers, Waterloo
Road, Glasgow?—I know it came from Glasgow.

And Bell Brothers?—Yes

Do you know or not that the parcel was in fact returned to
Bell Brothers, Waterloo Street, Glasgow?—I think it was,
because I gave him a label to send it away. The parcel had
lain at the shop some time

Lord COLERIDGE—You asked her if she knew of her own
knowledge.

Mr MITCHELL-INNES—Yes.

The WITNESS—The parcel had lain at the shop some time.

Lord COLERIDGE—You must not tell us what you saw some-
body else do. Anything the prisoner said or did in your
presence you can give evidence of, and we can draw our own
inferences.

John Alexander Dickman.

H. Hymen Mr. MITCHELL-INNES—Your lordship will understand the answer came without my asking for it (*To Witness*)—Did you give him a label?—I did.

Was it in connection with the parcel that you gave him a label?—It was.

Mr. TINDAL ATKINSON—That again is very objectionable.

Lord COLERIDGE—That is rather an ambiguous phrase (*To Witness*)—What did he say when he asked for the label; did he say anything or do anything?—He did not know that the parcel was there It had lain in the shop about two months.

You cannot tell what he knew; what you can tell is what he said and did?—He asked for the label to send it straight back.

By Mr MITCHELL-INNES—He did that?—He did.

Did you give him a label?—I did

What did he do, if anything, with the label?—I could not say.

That is all you know?—That is all I know.

Re-examined by Mr TINDAL ATKINSON—You gave him a label?—I did.

Did he take it away?—Yes.

Is that the last you saw of the label?—Yes.

At the time he asked you for the label did he take the parcel away?—Yes

At the same time?—Yes.

That is the last you saw of the parcel?—Yes.

How long was the parcel at your shop?—For about two months, from the latter end of October till January.

I am speaking of the last parcel?—The small parcel?

Yes?—Yes.

By Lord COLERIDGE—The small parcel was two months in your shop?—About two months.

By Mr. TINDAL ATKINSON—It came when?—The latter part of October.

It would be there, therefore, up to the latter week of December?—It was the first week in January.

The first parcel, I understand, was longer than the second?—Much longer.

I think you indicated in an answer to my lord it was about

Evidence for Prosecution.

the length of that brass rod in front of you?—Yes, it would H. Hym be about that length.

How was it done up?—Just in a brown paper parcel.

About the second one?—I could not say.

How was that done up?—I think it was in brown paper, too, with string

Was the first parcel in a box, so far as you could tell, inside the paper?—No, the first one was not.

Not in a box?—No, it was just the shape of the gun

Could you see the outline of it?—Yes.

Could you see whether it was bigger at one end than the other?—I did not notice that.

Did you notice that both ends were the same size, or one end was bigger than the other?—One end was bigger than the other.

I thought you said you did not notice it; did you notice it?—Yes, I did notice that one end was wider than the other.

What about the small size, was that the same size at each end?—I could not say.

You could not say?—No

How did you come to know that his name was Dickman and not Black?—He told me the night he took his revolver away. He told me that Mrs. Dickman and he lived in Luly Avenue. That was the first time I knew his right name

When he took the revolver away?—Yes, the last time he was in the shop.

By Lord COLERIDGE—What did he tell you?—He told me his right name was Mr. Dickman.

Did you ever dispatch parcels for him?—No.

Or letters?—No, my lord.

You only received them?—Yes.

Did any letters or parcels come for him after he took the revolver away?—Letters came.

What did you do with them?—I handed them over to the superintendent

He never called for them?—No, my lord

Did he give you his address so that you could send them on?—No, my lord, he did not give me the address for me to send them.

Were you expecting him to call?—I was.

Evidence for Prosecution.

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What about the small size, was that the same size at each end?—I could not say.

You could not say?—No.

How did you come to know that his name was Dickman and not Black?—He told me the night he took his revolver away. He told me that Mrs Dickman and he lived in Lily Avenue. That was the first time I knew his right name

When he took the revolver away?—Yes, the last time he was in the shop.

By Lord COLERIDGE—What did he tell you?—He told me his right name was Mr. Dickman.

Did you ever dispatch parcels for him?—No.

Or letters?—No, my lord.

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Did any letters or parcels come for him after he took the revolver away?—Letters came.

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He never called for them?—No, my lord

Did he give you his address so that you could send them on?—No, my lord, he did not give me the address for me to send them.

Were you expecting him to call?—I was.

John Alexander Dickman.

H. Hymen How often did he call?—Well, at one time he used to come nearly every day, when I first went to the shop.

Later on, from October to January?—He had never been in the shop from October to January.

How many letters remained for him when you handed them over to the police?—There was only one, but they have been coming ever since.

Ever since?—Ever since I handed the one over they have been coming very frequently, and I have given them all to the police

You did not give them to the police until after March?—Yes, but until after March only one came—in the meantime, from January up till March, only one came

Mr. MITCHELL-INNES—I am not quite sure whether I am quite correct, but your lordship, I understand, asked the witness whether he gave any address to send the letters to, and she said “Yes.” Would your lordship be good enough to make it clear. I do not quite understand whether it was at the time he took away the revolver that he gave his right name and address. I may be wrong, but I should like to be clear about that.

By Lord COLERIDGE—He gave the name of Fred Black?—He gave me his right name

He had given you the name of Fred Black?—Yes

He had given you no address?—No.

He called for these letters and used to take them away?—Yes

The last time he was with you, when he took away what you call the revolver, he gave his name as John Dickman?—Yes.

J. A. Dickman?—Just Mr Dickman.

Did he give you his address?—Yes.

What address?—Lily Avenue, Jesmond.

Mr. MITCHELL-INNES—I was under the impression that she said that.

By Lord COLERIDGE—Did he say why he had taken the name of Black?—He said for business purposes.

You knew his name, and you knew his address. Did you send the letter that was written for him to the name and address?—I did not, because he had not asked me to send them.

Evidence for Prosecution.

THOMAS SIMPSON, examined by Mr. TINDAL ATKINSON—I am T. Simpson in the employ of Mr. Pape, Collingwood Street, Newcastle, a gunsmith I have seen four bullets produced by Superintendent Weddell—two of them are nickel capped with calibre .250—calibre denotes the diameter. The other two bullets are leaden, they have no nickel capping, and their calibre is .320. They are larger, of course, than the first two. The nickel-plated bullets would be fired from an automatic pistol. By automatic, I mean that it works entirely from the pull of the trigger. It is a magazine pistol, and the cartridges are retained in a magazine. It would contain seven cartridges when fully loaded. It has one barrel, and all the charges are taken out from the magazine and one by one put into the chamber automatically. I have an automatic pistol here which can be quite easily carried in the pocket, being rather flat in shape. With regard to the other two bullets, they are larger, and could not have been fired from that pistol. They are of a common calibre, and it follows that these four bullets which were found in the man's body must of necessity have been fired from two different pistols. There is nothing peculiar in these pistols; they are quite ordinary, and sold at gunsmiths.

Cross-examined by Mr. MITCHELL-INNES—And could easily be purchased by anybody?—Quite easily.

The same thing is true of the bullets I take it?—Yes.

PETER HALLIDAY, sworn.

P. Halliday

Lord COLERIDGE—I think we had better go in order Have you any further evidence with regard to this?

Mr. TINDAL ATKINSON—With regard to which?

Lord COLERIDGE—With regard to the pistol.

Mr. TINDAL ATKINSON—Well, there is on the depositions undoubtedly. I have carefully inquired into it. Both I and my learned friend agree that there are circumstances connected with it which would prevent it capable of being proved, but I will put the witness in the box if your lordship thinks the question should be investigated. I have taken a view of it myself.

Lord COLERIDGE—I have taken no view about it, Mr Atkinson. Your experience is one to which every one would bow, and, if you think that, there is an end of it.

John Alexander Dickman.

P. Halliday Mr. TINDAL ATKINSON—I have made most careful inquiries with regard to the whole of the information which could be given upon that point, and it is of such a character that I do not think it is admissible in evidence.

Lord COLERIDGE—Very well

Mr. TINDAL ATKINSON—May I say without indicating anything that would be to the prejudice of the prisoner, that the evidence in question relates to a register I have made careful inquiries how that register is kept, and it is kept in such a way as to prevent that register being evidence in this case.

Lord COLERIDGE—You are alluding to Kirkwood?

Mr. TINDAL ATKINSON—Yes; but if there is any doubt about it—it is a question of great responsibility—if there is any question about it I think the better plan would be to put the witness in the box and see exactly. I think that would be more satisfactory, perhaps, to see how far the proof legitimately can go

Lord COLERIDGE—As I have mentioned it, I think that would be the best course to take.

Andrew C. Kirkwood

ANDREW CRAIG KIRKWOOD, examined by Mr. TINDAL ATKINSON—I am in the employment of Mr. Pape, gunsmith, of Collingwood Street, Newcastle. Under the Act of Parliament, 1903, I kept a register of pistols sold, which I produce. There is an entry on the fourth line from the bottom of this page in my handwriting. It is in this book that I enter whenever a revolver is sold, either by myself or by some one else in the shop in my employ. By looking at this entry I could not say that I had sold a particular revolver to the person whose name appears there, because I make the entry myself, whereas the fact is that sometimes it has been sold by an employee. I cannot say whether I sold this one or not.

Mr. TINDAL ATKINSON—That is my difficulty.

Mr. MITCHELL-INNES—Needless to say, I very much appreciate the absolutely fair spirit in which this is conducted, as one would expect in such a case as this.

Lord COLERIDGE—I did not know what it was.

Mr. MITCHELL-INNES—I quite agree

Mr. TINDAL ATKINSON—That is the difficulty I was in, and I thought myself it was inconclusive.

Lord COLERIDGE—Very well

Evidence for Prosecution.

PETER HALLIDAY, examined by Mr. LOWENTHAL—I am a sergeant of police, stationed at Moot Hall. The prisoner on the 30th of March was in custody in the cells here. Among other things that I took from him was a fawn Burberry overcoat, which I produce. I also took certain other clothes—a shirt, vest, trousers, coloured shirt, &c. I handed the overcoat to Dr. Boland on the evening of the same day. The prisoner was wearing it when he came into the cells, but had taken it off when I took it.

Mr MITCHELL-INNES—I ask no questions.

Dr. ROBERT BOLAND, examined by Mr TINDAL ATKINSON—Dr, R. Boland I am a doctor of medicine, a member of the Royal College of Physicians, Professor of Medical Jurisprudence of the College of Medicine affiliated to the University of Durham. I have had given to me a pair of suede gloves, a pair of trousers, and a Burberry overcoat. I examined the gloves and found upon the palm of the left glove a stain. I mean when I use the word palm, the palm surface of the fingers and thumb respectively. (Witness here pointed on his hand, indicating the top of the thumb.) It was a smeared stain about $\frac{3}{4}$ of an inch by $\frac{1}{4}$. It was distinctly coloured, especially under the lines. It was dark red. I examined it and cut out a portion; I tested it chemically, microscopically, and with a spectroscope. I applied a number of different tests, and the result of them was that I came to the conclusion that the stain was due to blood. I could not say whether it was human blood or animal blood. All I was able to determine was simply that there was blood present, of what kind I could not swear. I examined the trousers and found a stain within the front left pocket. There were nine small stains in an area of about 2 inches by 1, well down in the pocket. The pocket is 11 inches deep, and the area stained was some 4 to 6 inches from the bottom. The stains varied in size, the largest being about the size of the head of a small shawl pin. They were very small in all—small drop-lets—but quite distinct. I have here the fragment of clothing on which the stains were. I cut it out of the pocket in one piece. It is the whole area stained. The stains are not there now since the examination, though there are some remnants left. Regarding the gloves, the stains were recent. I

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R. Boland began the examination on the 26th March, and these stains must have been made within the space of a fortnight. I have also examined a Burberry overcoat which I have here. It is made of what is considered to be rainproof cloth. There was a large stain upon the left front, and the cloth is darkened. I also cut a portion of it out for examination, but there are some remnants of the stain on the other part of the cloth. (Witness pointed to it) The surface is frayed as if it had been rubbed. The edges of the area were cleaner than any other portions in the neighbourhood; it smelt faintly of paraffin. Microscopically there were droplets of oil, which might have been paraffin oil. It appeared to me that it had been rubbed and stained with paraffin oil. Assuming for the moment that the stain was blood, it would be possible, with a material of this kind, to wash out the traces, either by water or paraffin. In the coat before me there is a large pocket on either side entered by a slit. You can put your hands through the slits and into the pockets or not, as you like. These pockets would very easily hold a revolver of the description which has been produced. The hand could be inserted through the slit and hold it quite easily, and be covered by the coat. Similarly any other article, such as a bag, might be held in the same way.

Cross-examined by Mr. MITCHELL-INNES—Could you find any evidence of blood whatever on the Burberry coat?—None

Of any kind?—Not of any kind.

So far as the stain itself was concerned when you saw it, it might have been anything—I mean any kind of dirt?—It was a stain of paraffin.

That is exactly what I am suggesting, and I am obliged to you. When you saw it, the whole stain might originally have been caused by paraffin?—With the exception of the lighter area outside.

The lighter area?—Yes.

You mean where it was more rubbed?—It was more cleansed, I should say.

But if the outer area were more cleansed, that would mean that the original stain had been more successfully removed, would it not?—Well, I am not in a position to say what it was.

Evidence for Prosecution.

Lord COLERIDGE—I suppose by the “outer area” he means Dr. R. Boland the area not covered by the stain?

Mr MITCHELL-INNES—I understand his account to be that this longish stain, as to part of it, was less well cleaned than the other part, and the part which was better cleaned was the outer fringe of the stain (*To Witness*)—Is that what you mean?

Lord COLERIDGE—He did not say that

Mr MITCHELL-INNES—That is what I want to understand. (*To Witness*)—What do you mean by the outer area?—The fringe

That is the area of the stain?—That is the area of the stain that shows, as to a portion of it, that it was lighter than the surrounding areas—lighter than any other portion of the coat

Lord COLERIDGE—That portion, as I understand, which was lighter, has never been covered by the stain.

By Mr MITCHELL-INNES—That is what I want to know?—Yes; it has never been covered by the paraffin stain.

But whether it be the outer part or the inner part, there was no trace of blood, as you told us?—None.

Have you the suede glove?—Yes

Would you be kind enough to hold it up with the left thumb extended, so that the jury may see the place where you cut out the stain?—It is there.

On the very point of the thumb?—Yes, and on the tip of the forefinger.

Would you kindly produce the part that you cut out for testing?—I can only produce part of it

Then I do not trouble you. With a glove of that size, is it true to say that the little pin points or shawl pin points, as you described them, of blood in the pocket, were in such a position as might have been caused by this thumb of the glove being put into the pocket like that (*illustrating*)?—Yes.

It is plain that if one puts the left hand into the pocket your thumb goes down that wall of the pocket?—When you wish to put the thumbs into the pocket, as your hand goes into the pocket it relapses and it touches the outer surface of the pocket.

That is the inner surface of the outer wall of the pocket?—That is the inner surface of the outer wall of the pocket.

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R. Boland I am right in suggesting that you will admit that those stains might well have been caused by that?—Very probably.

I take it the stain on the coat might have been a stain, for instance, contracted by a man walking in a colliery with oil and coal dust about It might have been caused by that, and then treated, so far as you could tell, with paraffin?—So far as I could tell

So far as you could tell, it might be?—It might be.

There was nothing to make you conclude otherwise?—No.

By Lord COLERIDGE—Suppose the stain had been blood, would paraffin chemically remove the signs of that?—No, my lord. It is not a very efficient removing agent. It is a concealing agent. It vitiates some of the tests, but it is not a good material to remove the stains.

Then, chemically, has it prevented the application of the tests?—It interferes with the tests

POONER

PETER SPOONER, examined by Mr LOWENTHAL—I am colliery manager to the Barr Moor East Colliery. On 9th June last, I went down the Isabella pit at four o'clock in the morning, and examined the air shaft. I saw a leather bag lying on the bottom of No 2 air shaft It is the bag produced. I brought it out of the shaft with me, and it is now in the condition in which I found it. There were some coppers in it, and also a considerable amount of coppers lying all around the place where I found it—together 14s. 8d. in coppers. I afterwards handed the bag to Superintendent Marshall. There were coppers in the bag also. I know the prisoner—he was a fellow-workman of mine years ago. At certain times I have talked about the difficulties on my mine—they were connected with a large quantity of water that collected there I could not say that he knew where the pit was, although I had discussed the water difficulty with him. The air shaft at the top is covered with an iron grid or grate. The square of the grate is something about 5 feet square with iron bars across dividing it, with a space of 6 or 7 inches between each bar. This grate lies horizontally over the top of the shaft—it could be quite easily lifted by the hand or otherwise. Anything the size of the bag could be put down between the grates that cover the air shaft.

Evidence for Prosecution.

Cross-examined by Mr MITCHELL-INNES—I understand you P. Spooner are the manager?—Yes.

It is your duty, no doubt, under the Coal Mines Regulation Acts, to constantly inspect the air shaft?—Yes.

And the ways?—Yes.

You have to do that?—Yes.

You do carry out your duties?—Yes.

How often in a week do you inspect it?—We are not tied to once a week in roads like that—just occasionally, once in three weeks, once in a month, once in five weeks.

But you do carry out your duties?—Yes.

THOMAS MARSHALL, examined by Mr LOWENTHAL—I am T. Marshall superintendent of police stationed at Morpeth On 9th June I received from the witness Spooner a leather bag and 14s. 6d in money The bag contained the papers which have been referred to. On the following day I went and searched the shaft and found a further sum of 4s 9d. in copper, making the total amount found there 19s 3d.

Mr. MITCHELL-INNES—I ask no questions.

ROBERT SWEENEY, examined by Mr. TINDAL ATKINSON—I live R. Sweeney at King's Avenue, Morpeth, and have known the prisoner for five or six years. When I first knew him he had something to do with the colliery company in Morpeth. The last time I saw him, as near as I can remember, was about the end of October He came to my office and asked me if I could lend him £10. He did not say why—he said nothing at all as to his pecuniary condition He said nothing except the request for the loan of £10.

Mr MITCHELL-INNES—I ask no questions.

SAMUEL COHEN, examined by Mr. LOWENTHAL—I am manager Samuel Cohen of a firm styled the Cash Accommodation and Investment Company, of Northumberland Street, Newcastle I know the prisoner. He first came to our office about the 15th of October last—I think it was on that day. He asked for a loan of £20, saying he would probably want it for three months at the outside. At the same time he asked me about the interest—I told him I would charge him £1 a month. He said he had applied to other money-lenders, but the charges were

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uel Cohen too high. When I named the rate of interest he said he would consider the terms, and went away. He returned on the 18th October, and I then lent him £20, for which he gave me a promissory note. I have not got his note with me. The note was for interest at £1 a month, the capital payable on demand. He paid the interest every month. I do not remember his coming in January to see me when the instalment was due. I remember him coming to see me with regard to the principal standing over again after the three months were up. I am not sure that this was in January, but he came in some time or other about this matter. He said he could not possibly meet the £20 loan.

By Lord COLERIDGE—When was this?—In January, three months after the loan. He asked whether I would permit him to extend it for a further period of three months, to which I agreed.

Examination continued—I think the last payment of interest was made on 17th March of this year. I remember the prisoner writing to me in November, 1909, in reference to a loan of £200 to a gentleman of the name of Christie. I have not got this letter. (A letter was handed to him, and he was asked if it was the letter referred to.) This is the letter and the signature of J. A. Dickman.

Mr. TINDAL ATKINSON—I notice that it is signed J. A. Dickman. I do not know that there is any point about it, but some point was made about the diary. It is not “J. Alex.,” but “J. A. Dickman.”

Examination continued—The rest of the transaction was carried through with Mr Christie, whom the prisoner introduced to me at the office. As far as I remember, the prisoner was not present at any of the subsequent interviews. I lent £20 to the prisoner on the 15th October. I do not know who paid the commission on Christie's loan. The original loan of £20 to the prisoner was paid by the prisoner's wife to me in cash. The £200 loan to Christie was paid by me to Christie by cheque payable to him. The last payment of interest by the prisoner was on the 17th March, and that was in respect of the £20. Since that date that loan has been repaid—I think it was on the 9th of May last.

Cross-examined by Mr. MITCHELL-INNES—By whom?—By the prisoner's wife.

Evidence for Prosecution.

MR. KETTERING, examined by MR. TINDAL ATKINSON—I am a Mr. Kettering partner of the firm of Cush & Co., jewellers, of Collingwood Street, Newcastle-on-Tyne. On the 14th of February last the prisoner came into my shop. He came in quite in an ordinary way; he mentioned to me that he wanted some money, but he did not say why. He just said, as far as I can remember, “I must have £5, to go to Liverpool.” As far as I can remember he did not say anything as to his financial condition at the time. He just said he wanted £5 to go to Liverpool. Those are the exact words he used. He did not say what he was going to Liverpool for, but I think that there was some race on, or something of that sort—the Waterloo Cup.

By LORD COLERIDGE—Did he say anything about the Waterloo Cup?—Yes.

Examination continued—He brought some articles of jewellery as security about three hours before, and he left those. The articles were a gold scarf ring set with three brilliants, a set of studs which were not new and had been worn some time. When I say studs I mean links. I took them and lent him £5 on them. Afterwards I met him again, when he made a statement to me with regard to the loan—it might have been three or four days afterwards. He said he would not be in a position to pay me back at present, but I should not have to wait long; it would not be very long before he could; it would be all right. I have still these articles in my possession—I have not yet been paid back the money.

Cross-examined by MR. MITCHELL-INNES—I think the studs and sleeve-links were gold?—Yes.

JOHN DENNIS BADCOCK, examined by MR. LOWENTHAL—I am J. D. Badcock cashier at the National Provincial Bank, Moseley Street, Newcastle. I produce a certified copy of the prisoner's account in our books from December, 1907, up to the last transaction. It has been compared with the ledger account and signed by the bank accountant as being correct. It deals with the period from December, 1907, up to the last transaction, which took place on 29th November of last year. On the 30th June, 1909, the account shows a credit balance of 7d. Between that date and the closing of the account that

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D. Badcock 7d. was increased by the following payments.—£4 10s., £20, and £200. Credit of £20 on 18th October, was one cheque for £20 drawn by Samuel Cohen on the North-Eastern Bank, Stockton, in favour of J A Dickman The credit of 24th November, of £200, consisted of one cheque for £200, drawn by Samuel Cohen in favour of F Christie, and sent for collection to the Stockton Branch of the Newcastle Provincial Bank. It was drawn upon the North-Eastern Bank, Stockton. On the 13th September there is a credit of £4 10s., which is paid in on that date, making a total credit of £4 10s. 7d On the 16th September, three days afterwards, it was reduced to 3s 9d On the 18th October £20 was paid in, leaving a credit of £19 12s 9d., because in the meantime there had been a small cheque paid which had overdrawn the account to the extent of 7s. 3d By the 21st October, the credit account was reduced to 2s. 9d. On the 24th November the Christie cheque for £200 was paid in, and that was drawn out by two drawings on the 26th and 29th November With the bank charges of 5s. 9d there was remaining a debit of 3s. against Dickman on the 31st December. The two cheques drawn by Dickman on the 26th and 29th November were both payable to self.

Mr. LOWENTHAL—I ought to put the certificate in to make it in form with regard to the banking accounts. It is the certificate of the National Provincial Bank showing the extract is accurate.

Cross-examined by Mr. MITCHELL-INNES—On 26th November there was a cheque of £160 payable to Dickman himself, and on 29th November, there was another cheque of £40 payable to self, Dickman?—Yes

Can you tell me how long, not within a month or two, but approximately, Dickman has been a customer of this bank? Let me put it to you and see if you will say yes or no—I put it to you he has had an account since 1892 or 1893?—I should think so.

Mr. LOWENTHAL—Of course, I put in the extract that the witness produced.

. Sedcole

ROBERT SEDCOLE, examined by **Mr LOWENTHAL**—I am a clerk at Lloyds Bank, Newcastle-on-Tyne. Lambton's is now amalgamated with Lloyds Bank, and I am clerk at the Lambton branch of Lloyds Bank. I produce a certified copy

Evidence for Prosecution.

of the prisoner's account at my branch, which deals with that account from 31st December, 1907, till it was closed on the 14th December, 1909. The last payment in was on the 13th of May, 1909. The sum of £10 was paid in then. The last sum of any substantial amount, viz, the sum of £7, was drawn out on the 11th August, 1909. The effect of these transactions was to leave a credit balance of 13s, which was exhausted on the 16th October when a sum of 11s. was apparently drawn out by the prisoner, added to which there was 2s charged for commission. There has been no payment since May. The account just balanced—there was nothing due either way. **R. Sedcole**

Mr. LOWENTHAL—Then I put it in the extract, and I also put in the certificate.

Cross-examined by Mr MITCHELL-INNES—Can you tell me how long Dickman had been a customer of Lambton's branch, or Lloyds Bank, Lambton branch?—I am not absolutely certain. I have been at Lambton's seven years, and I fancy he has had an account during that time.

All that time?—I fancy so, but I am not quite sure

That is quite fair. That is your impression?—Yes; we have so many changes.

But that is your impression?—Yes

THOMAS PAISLEY, examined by Mr TINDAL ATKINSON—I am treasurer of the co-operative society which carries on business at 103 Newgate Street. The prisoner's wife had an account with us, which I produce. I have not got the book—that is in the possession of Mrs. Dickman—but this is a copy of our books, the member keeping the pass-book. We have the member's claims book; it is in our office at Newgate Street. I was not told to produce it. I will fetch it. **T. Paisley**

FRANK CHRISTIE, examined by Mr. TINDAL ATKINSON—I am a coal merchant, and have known Dickman for a period of about six years. At that time he was secretary to the Morpeth Moor Colliery Company, which company is now extinct, and a new company has now been formed. Dickman held no office in the new company. I have occasionally backed horses through Dickman. I borrowed a sum of £200 from Mr. Cohen—he was introduced to me by Dickman. A cheque for this sum was made out to me. I handed it to Dickman after **F. Christie**

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F. Christie endorsement. The £200 was paid into his account, not into mine. It was used partly for my own private affairs, about half of it, the other half of it went for betting transactions—it went through Dickman for bets on my behalf. He was not to receive anything out of it for himself, but if they were successful he would undoubtedly have received something. There was no definite arrangement made as to what he was to receive. I cannot say exactly the amount that came to me, but I got approximately £100; that left £100 with Dickman. At least I got that sum ultimately. I could not tell what became of the rest of it—he said the transaction did not come to anything—it did not come off. By that I mean that the betting business did not come off with any success. He had nothing to do with this sinking operation at Dovecot—it was sinking for coal. He had no authority from me to go to Dovecot or to discuss any matters in connection with the sinking.

Cross-examined by Mr MITCHELL-INNES—He, in fact, did go to your office pretty regularly after the sale of this colliery?—Yes.

He did give you information about the colliery?—Yes, about the Morpeth Moor Colliery, certainly, several times.

I do not suggest for a moment that he was interested in it pecuniarily, but in that sense he was interested in it?—Quite so.

I take it that Dickman was interested in it because he hoped to get some commission eventually out of it?—Yes, he would get it when the colliery was sold.

What I suggest is that he wanted the thing to go on successfully in this case between you and Mr Hogg?—Mr. Hogg had nothing to do with it.

I am talking about the Dovecot Colliery?—He had nothing to do with it.

I suggest to you he spoke about the Dovecot Colliery as well as the Morpeth Moor Colliery when he came to your office?—He may have done so.

By Lord COLERIDGE—Is the Dovecot Colliery different from the Morpeth Moor Colliery?—Yes.

Had you anything to do with the Dovecot Colliery?—Yes, I had.

Evidence for Prosecution.

But you had nothing to do with the Morpeth Moor Colliery?— **F. Christie** I had, but the Morpeth Moor Colliery was eventually sold.

Was it sold at this time, this year?—It was sold last year.

Then this year you had nothing to do with the Morpeth Moor Colliery?—Nothing whatever.

By Mr. MITCHELL-INNES—This year you were still interested in the Dovecot Colliery?—Yes.

Where Mr Hogg was working these operations?—Yes.

I suggest to you that the prisoner—there is nothing much one way or the other in it—had in fact mentioned the Dovecot sinking to you in your office from time to time?—He may have done, but I have no recollection. I have no doubt it was discussed.

Did you ever go out to the Dovecot Colliery?—Yes.

By Lord COLBRIDGE—What has Hogg to do with it?—He is interested in the Dovecot Colliery.

Not in the Morpeth Moor Colliery?—No.

It is the Dovecot royalty?—Yes.

By Mr. MITCHELL-INNES—Try and remember about this. I suggest to you that on one occasion, or perhaps on more than one, you suggested to Dickman he should accompany you, not on business, out to Morpeth and Dovecot?—I may have done so, but I have no recollection of it.

There would be nothing surprising if you did?—Well, I do not think so.

You said you thought the prisoner got more than £100 of that £200?—It would not be very much more.

I put it to you that the figure was more than that, and that he got £150 of it?—No, he would not get so much as that.

You say a little over £100?—Yes, he probably got a little over that.

WILLIAM THOMAS CHRISTIE, examined by Mr. LOWENTHAL—You **W. T. Christie** have got my name incorrectly—it is William Albert, and I am a clerk in the Savings Bank, General Post Office, London. (To his lordship)—My lord, before I give this evidence I must ask you for your direction. Under the secrecy clause of the Act of Parliament we cannot give this evidence except under the direction of the Court.

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J. T. Christie Lord COLERIDGE—I do not know what you are asked to give at present

Mr LOWENTHAL—I am asking him to produce the extract of the savings bank account of Mrs Dickman. I ask your lordship to direct him to do that

Lord COLERIDGE—It is the Savings Bank, London, I suppose I direct him to produce the extract

Examination continued—The particular savings bank concerned here is at Holly Avenue Post Office, Newcastle-on-Tyne The account shows that the deposits between 1907 and 1910 amounted to about £20, leaving a balance of £15 0s 9d. standing to the credit of the depositor on 1st January, 1910. On 5th January last £12 was drawn out On 1st February, £1; 16th February, £1; 14th March, 10s., leaving a balance on that date of 10s 9d

Cross-examined by Mr. MITCHELL-INNES—This is the account of Mrs. Annie Dickman?—Yes

1 Lily Avenue, Jesmond?—Yes.

It goes without saying that these sums were withdrawn by the depositor?—Yes, Mrs. Dickman.

You do not deal with cheques payable to third parties?—No.

James Irving JAMES IRVING, examined by Mr LOWENTHAL—I am acting inspector of police stationed at Gosforth I was in charge of the prisoner at the Moot Hall Police Court on the 14th April last. I found two pawntickets upon him, and when I removed him to the cells he there made a statement to me about them. He said, "There is nothing in that evidence about the pawn-tickets When racing you get mixed up with the Bigg Market boys, and after the season is over they are always asking you for money. One pair of the field glasses were my own, the other pair I got from a friend who owed me some money. I took them and pawned them myself, so that if any of the boys asked me for money I could pull out the pawntickets and say, 'Look here, this is what I am down to,' and they think you are hard up" That was all

Mr. MITCHELL-INNES—I ask no questions. I have just seen my learned friend, Mr. Tindal Atkinson, and I told him about a question which I want to ask your lordship, and he has assented to my asking it in his

Evidence for Prosecution.

presence It is a small question on the evidence which James Irving I wish to be sure about, which I have not got on my own note, though I am quite sure it was mentioned Would your lordship tell me, did Spink, the clerk, say at Stannington on which side of the carriage the two men whom he saw, one of whom was Nisbet, were sitting—were they sitting the nearer side to the platform or the further side from the platform?

LORD COLERIDGE—"The deceased was sitting facing the engine on the far side"

MR. MITCHELL-INNES—"That is what I thought"

LORD COLERIDGE—"His companion was sitting facing the deceased"

MR. MITCHELL-INNES—"I am obliged to your lordship. That is my impression and my friend Mr. Tindal Atkinson's impression."

JAMES PAISLEY, recalled, examination continued by Mr James Paisley
TINDAL ATKINSON—"I am a treasurer of the co-operative society which have their offices at 103 Newgate. I produce books of the society showing the account of Mrs Dickman commencing in May, 1904, and continuing up to 7th March, 1910. This book was issued on the 28th May, 1904, and the account is entered up to 17th March, 1910. On 30th October, 1907, the account was in credit in the sum of £73 17s. 2d This is the highest amount there has been in. Since then on three occasions there have been additions to the capital. The first was in December, 1907, and another on 18th May, 1908—£5. On 1st July, 1909—£3. Any other increase of capital has been derived from dividends and interest. The withdrawals are shown in the account, and have been pretty frequent during the whole of 1909, until on 17th March, 1910, a sum of £2 was withdrawn, leaving a balance in credit of £4. At one time it was £73, but on 17th March, 1910, it had been reduced to £4 in credit. The copy I have in my hand is correct, and I have verified each item since the adjournment."

MR. LOWENTHAL—"I think I can put it in now instead of putting in these four books."

LORD COLERIDGE—"Certainly."

MR. TINDAL ATKINSON—"That is the case for the prosecution."

Evidence for the Prosecution closed.

John Alexander Dickman.

Evidence for the Defence.

. Dickman JOHN ALEXANDER DICKMAN, examined by Lord WILLIAM PERCY
—I am a married man, with a son and daughter, and have lived in Newcastle all my life. At present I live at 1 Lily Avenue, Jesmond. I have lived at different places, but always in the neighbourhood. In 1903 I was secretary to a syndicate which was formed to purchase the Morpeth Colliery Company and royalty. The company was formed later. The colliery was at Morpeth—it was the Howburn Colliery. Then a new company was formed, and it was the Morpeth Colliery Company, Limited. When I was secretary and my employers gave it up, I negotiated the sale to Messrs. Moore, Brown & Fletcher, through Mr. Frank Christie, in the year 1905 or 1906; the sale was completed in the latter year. I was secretary from 1903 to 1906. I think I drew £500 or £550 commission, and there was £150 given away. Between the years 1903 and 1906 I had a legacy left to me—I am not certain at what exact period it was, but I think it would be about 1905 or 1906, possibly later. It consisted of some founders' shares in the Wiltshire and Dorsetshire Bank, amounting to about £220; at least I think that was what I got for them. After leaving the employment of the colliery I took a holiday, and I also occupied my time by racing occasionally when it suited me. I put considerable sums of money on races, sometimes as much as £100, £50, or £30. I have put money on horses for a witness in this case called Christie with bookmakers, and also at meetings; that is what is called working on commission, but there was nothing stated, no fixed amount. At that time I kept on the old colliery office, but I gave it up when the owners altered the building—it was in the Exchange Buildings. I gave it up about the end of the year 1907 or 1908, I am not certain which; I had it on a yearly tenancy. I was always very fortunate, but I have had bad periods, like most betting men. I know the witness Cohen—he is a money lender. I introduced Mr. Frank Christie to him in last November. As a result of that Mr. Cohen lent Christie £200. I retained £150 of this sum, as I had previously arranged

Evidence for Defence.

with Christie. It was for betting transactions. At that time **J. A. Dickman** I was rather ill; in December I had given up racing until the flat season began. I used this £150 for betting, but was not very successful, and lost, I should think, about £110 or so; I lost some of my own money as well. As to the balance of the £150, I gave some to Mr Christie when he came to London, and altogether I think he had about £70 or £80 of the loan.

I know Mr. Hogg very well, intimately, in fact. He is a contractor, and did several contracts for the Morpeth Moor Colliery. This colliery has changed hands, and was called by the purchasers the Wansbeck Colliery Company. The Morpeth Moor royalty is adjoining the Pegswood royalty, but the Dovecot Colliery is nearer to Stannington. It was in connection with these collieries that I got to know Mr Hogg. They are sinking a new shaft at the Dovecot Colliery nearer to the road, and there is also a drift midway between Stannington or the Dovecot pit and Morpeth station. Mr. Hogg has stated that they started driving that shaft in October last. Mr. Christie was interested in these sinking operations at Dovecot—in fact, it was through my original introduction of Mr. Hogg to Mr. Christie that Mr. Hogg took it up or got into this royalty. In the early part of this year I think I went on several occasions to see Mr. Hogg at Stannington. I did not go there in connection with these sinking operations entirely—I went to see him in regard to a private transaction with Mr. Christie. Mr Christie was interested in the sinking. I wished to have some private information, and I also wished to give Mr. Hogg information of a private nature. The last time that I went to see Mr. Hogg before the 18th of March was about a fortnight previously—I think it would be on the 4th. I met him—he was going into Morpeth, and I got a ride with him; he drove me in his trap. It was never my custom when I went to see Mr. Hogg to make an appointment with him—he was always glad to see me, and I to see him.

On the 18th March I think it was probably ten o'clock when I left my house. I was wearing the same clothes as I have on now, except as to the trousers. I had the same coat and waistcoat on, and trousers to match them. My black boots were the same as I have on. I wore a flannel shirt, and I think

John Alexander Dickman.

. Dickman I had on a similar collar to this, and I believe a similar tie, black hat, brown overcoat, and a pair of brown gloves; the coat I was wearing then is in my cell. When I left my house I took a car which stops at Fern Avenue—I got off at the foot of Northumberland Street, and I walked down intending to go to the quay first, as I thought I had plenty of time to make a call and I could then go back and catch the 10 27 a.m. train, but in going down Gray Street I thought I would not have sufficient time, and cut through Highbridge. I went to the station, and arrived there early. When I got into the booking hall I did not see anybody whom I knew. When I went to the ticket office I saw Nisbet, and he said "Good morning," and I said "Good morning." I would not have spoken to him if he had not spoken to me. I then got a return ticket to Stannington. I have known Nisbet for several years, but I was never intimate with him. He was no companion of mine, and I never made a point of stopping to speak to him at any time. He was just a casual acquaintance—hardly an acquaintance at all. I knew he was on the quay, but what he was or what he was employed in and what he was engaged in I did not know. After buying my ticket I went to the bookstall to buy a *Manchester Sporting Chronicle*. From there I went to the refreshment room, just as you go down to the Tynemouth platform, and had some refreshments. I looked at the clock—it was about twenty minutes past ten. I came out and walked round to take my seat. Whether I went through the No. 4 gateway or behind the cigar divan, or whether I went in front of it, I will not swear, but I know that I went to the lavatory on No. 8 platform. I never saw the deceased man again after he had left the booking hall. It is true that I got my ticket just after him, but, to the best of my knowledge, I was never in his company or near him after that. I then went through the connecting way and took my seat. The train was a good long way up the platform.

By the time I had taken my seat the train was just about to start. After I had taken my seat I put my coat on the rack. I had been carrying it over my arm. I read my paper—I looked at the racing news and read different parts of it, and had a look at the programme. It was the Grand National day, and to a

Evidence for Defence.

racing man the information in the paper was extremely interesting. I read the different news, as far as I know, and looked at anything I thought would be of interest to me. I know I got in near the end of the train—I think about two compartments away from the compartment which had a “reserved” ticket on the window, but which special or particular compartment I could not say definitely, but I know it was close to the “reserved” one. I did not notice the train draw up at Stannington. Nor do I think I noticed any of the stations after leaving Newcastle until I was surprised to find the train swerving, and then I knew it was Morpeth, for there is a swerve outside the station. This swerve is quite well known to any one who travels on the line—it is a rather startling one. It woke me up, as it were.

When we got to Morpeth, as far as I can remember, I took my coat off the rack and opened the door. I noticed some porters and luggage at that end. We stopped a long way up the platform, past the refreshment room. I noticed a group of men, who seemed to be either shaking hands or speaking to some one in this reserved compartment. I walked past them or through them, and went straight out. I went out at the south end of the station, and took my ticket out of my waistcoat pocket—the return ticket—and gave it to the collector. I do not know whether I had my coat over my arm or over my shoulder. I again put my hand into my waistcoat pocket and took out some coppers. By that time he had torn the ticket in two, and he gave me the return half, and I gave him 2½d., and I said “2½d. is the correct fare,” or words to that effect.

When I got out of the station I considered whether to go back to Stannington by train, and I decided not to. I knew there was a train back to Stannington, but had I got out at Stannington I should still have walked from the Dovecot pit to Morpeth station, because I particularly wanted to see that drift on the road, and to see the class of coal they were getting out, and I wanted to locate the position particularly. This drift is one which delivers coal on to the Newcastle Road, and it lies about half-way between Stannington and Morpeth. It is called the Landsale drift—it is just on the bank side. The coal is almost on the surface, and they can get down to it by

John Alexander Dickman.

A. Dickman a slight working instead of sinking a straight shaft. A Landsale colliery means sale from the land, that is, selling the coal in the town. I went down and took the ordinary way out, and then I turned up the Newcastle Road—this is the main road between Newcastle and Morpeth. It goes towards Stannington from Morpeth—the main road goes through Stannington, but to go to Dovecot you turn off to the right, and to go to Stannington station you turn off to the left—that is, looking from Morpeth to Newcastle I went down that road past some houses and almost within sight of the drift—I had walked for about half an hour or more. I do not know the name of the village, but there are some houses known as Clifton—I think I had got a little way beyond Clifton. The Landsale Colliery is on the right-hand side of this road as you go through Morpeth station I do not think it is past Clifton Bridge. I am not sure that it is called Clifton, though I remember it by that name.

Mr. TINDAL ATKINSON—It is not, of course, Clifton Bridge, but it is past Clifton itself.

Lord COLERIDGE—Could you mark it on this plan?

(The witness examined the plan handed to him, and stated that the Dovecot Moor Colliery was marked in it.)

Examination continued—I think it may have been a little way past Catchbourne—I do not know the name of the place, but I know there are houses as you go along spread about. So far as my memory goes, it is between Catchbourne and Clifton Bridge, but I just mark on this plan the location as near as possible (The witness made a mark on the plan.)

Lord COLERIDGE—He has marked it half-way between Catchbourne and Clifton

Examination continued—As I had just got past these houses I was taken very ill. I had a very bad seizure; I think it was diarrhoea, but when I attempted to relieve myself I could not I got over a hedge This from the great amount of strain brought on another complaint. I never told Weddell about this because I did not wish to discuss my infirmities. By the other complaint I mean piles, which I have been troubled with for about twelve or fifteen years, and while I have been in prison I have been treated for them. After some time I

Evidence for Defence.

got some relief I spread my coat out and lay down for a J. A. Dickman short time; I felt very ill. I remember once at Brampton, from nine o'clock in the morning or some time about that, I was ill right up to dinner. I should think, off and on, getting up now and then, I lay down about an hour and a half I got up to try and relieve myself of the pain, but that was useless, and I was in such a state that I thought it better to get back to Morpeth and get the train home and go to some one and put myself in proper order. I went back towards Morpeth station, but I could not walk very quickly.

I should think it was twenty minutes past one when I was on the platform; it may have been a little earlier, but I was very warm. I put my coat on and went out of the east side of the station. I went back, as I said, at twenty minutes past one, thinking the express might be late, as I have known it to be when I used to travel out to the colliery in 1903 and 1904. It is timed to leave Morpeth at 1.10 or 1.12. As it turned out, I was a few minutes late, so I went out on the east side of the station. I went out to cool myself a little, and I also had a look in at the coal depôt to see if they were doing any business. I went a short way up the bank about as far as the Auction Mart. I met no one that I knew—I did not take particular notice of any one. It struck me that I would go down and see if Mr. Hogg was known to be going to call at the Newcastle Arms, and on going down I met Elliott and his friend, and I just happened to stop on the spur of the moment and asked them if they had any information about the big race. Elliott was with a man called Sanderson. After stopping to speak to them they left me, and I thought that I had better return and catch the 1.40, which I did I got into a compartment which was heated, which greatly relieved me. All this happened on 18th March.

On the Monday, Detective Tait came to me about 5 o'clock in the evening. He asked me my name or if I was Mr. Dickman. I said yes. He asked me if I would go down to make a statement at the police station with him, and I said I would. I went down with him My wife came in just as we were going out. I made the statement which has been read to the jury, to Mr. Weddell, who took it down. I did not go closely

John Alexander Dickman.

1. Dickman into details, but it is substantially correct. When I went to the police station I was not dressed as I had been on the 18th, but I had this complete light suit on. I said to the superintendent—I think it was Mr. Wilson—“This is not the suit I had on Friday.” As far as I know, all my other clothes which were left behind were handed to the police. I never went back home after being taken away. They have got everything, including the very boots I wore, and have cut my house up into mincemeat, practically speaking. The trousers produced here are the trousers I had on Friday—this is a complete suit, the trousers match this coat. I remember the witness Hall being brought in. I was standing in about the middle of the men who were put up for the purpose of identification. He came and he talked, and he went three or four times past me, and then he was in the act of walking away. There was a stout officer who sort of jokingly dashed up, or, practically speaking, as it seemed to me, said, “You cannot get out of here without choosing some one or making a selection.” The man was very reluctant to do so, and if he had not been practically intimidated into it, he would have made none. I heard some words passed, and this is my impression of them.

Mr. TINDAL ATKINSON—What were the words?

Lord COLERIDGE—The witness has not stated anything which amounts to intimidation; so that if you heard anything, I should be glad to hear it.

Examination continued—They were principally to the effect of what the witness stated, that he was very reluctant to make any choice. Hall was walking away after having viewed the rank three or four times, when the policeman got in his way and would not allow him to pass, practically speaking, pushing him back. He sort of joked or cajoled him into making a selection.

Mr. TINDAL ATKINSON—That was not put to the witness.

Lord WILLIAM PERCY—I think so.

Mr. TINDAL ATKINSON—That he was intimidated—not that or anything approaching it.

Examination continued—By the word “intimidation” I mean it was almost amounting to force—stopping him from

Evidence for Defence.

going away, and in the discussion as much as saying, "Well, J. A. Dickman you must make a selection, as it is of importance; no matter who it is, you must give us something to do." That is the impression I formed from the action of that particular officer. It was not Mr. Weddell. Mr. Weddell was not there. There was a policeman and a lot of officers present. One was taking notes on a desk.

It is quite true that Miss Hymen keeps a shop and that I have had communications sent there, principally betting and racing telegrams and tips. I remember the postcard she referred to. I think I got a letter at the same time, but I am not quite sure. The postcard was addressed to F. Black, and asked for the return of a revolver which had been sent in error. I sent it back. I think I sent it back about Thursday or Friday in the same week. At any rate, I sent it back when I sent the patent roller bearing off to Leeds to a firm there with whom I was in communication. I sent it to Bell Brothers, Waterloo Street, Glasgow. I never opened the parcel; whether it contained anything of a dangerous character I do not know, but I know the postcard said either a pistol or a revolver, and asked for it to be returned. I read the postcard, and I think I sent the parcel back on that particular day. I think it was the same day on which I communicated with the Leeds firm about the patent as to which I was trying to form a syndicate. I bought a packet of labels, I think, and wrote the address in the shop. When I was searched I emptied all my pockets and gave up everything in them.

I had an account at Lambton & Co.'s Bank in Grey Street for seven or ten years—you can see by my passbook; it is the only passbook I have had, and will show when the account was opened. The little canvas bag found on me was possibly got from that bank, but I have drawn sums of money from nearly every bank in the town, and I have had to cash cheques for different people. I use these bags instead of a purse.

When one gets worn out I throw it away or burn it, and get a new one. I have done this all my life. I have used these bags for the last twenty years, and anybody who knows me will tell you so. Whenever I have paid money to anybody

John Alexander Dickman.

J. A. Dickman I have always taken it out of one of these bags. I had £15 in reserve in the bank for a special purpose. At the end of the flat racing season, 1909, that would be the end of November, as regards my betting account, I had a reserve fund of possibly nearly £120. This was known only to myself. Between that time in November and the next few months I gave my wife £50 of that sum, before Christmas. I went to some meeting in the south after the transaction had taken place with Mr Christie, and for current expenses I was using part of my own money and also part of his.

In February of this year I had £120 of my own. I had given my wife £50 of it, that left £70, and some went in different ways. At the time the Waterloo Cup was run, I would have about £40 of my own; there was none of Christie's money left then. I had £17 odd over of my own, with which I intended to go to the Waterloo Cup. I gave my wife £15 or £20 out of the £40. I was keeping the rest of the money to start my season with.

By Lord COLERIDGE—£15 of what?—Of the £120.

Lord WILLIAM PERCY—He says he had £120 at the end of the flat racing season, 1909. That was the remainder of that sum.

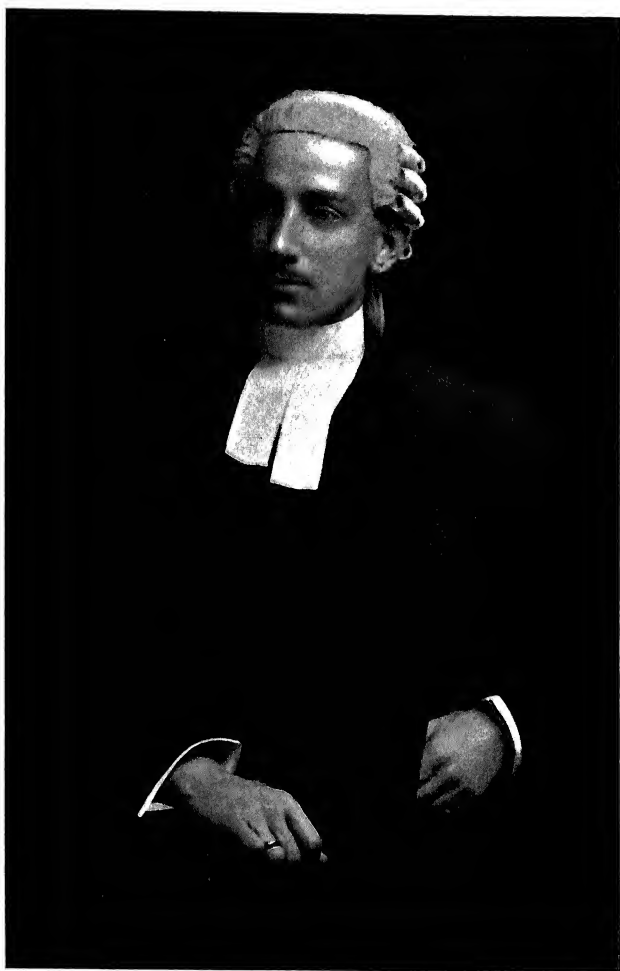
Examination continued—It would be from £110 to £120 that was my own money, which I was keeping separately. Of that I was keeping £15 or £20 capital to start the next season with. It is quite sufficient to make a decent living with.

By Lord COLERIDGE—You had £110—you gave your wife £50 or £60?—Yes.

Then, at the beginning of February you had £40?—Yes.

Did you give your wife any of that?—Yes, I gave my wife £15 or £20 of that amount, that was when I had decided not to go to the Waterloo Cup.

Examination continued—When I was at the police station I said in answer to the charge—"I do not understand these proceedings. It is absurd for me to deny the charge, because it is absurd to make it. I can only say that I absolutely deny it," with the stress upon the word "absurd," because I thought then it was a most absurd charge to be made against me, and I still think so.



Lord William Percy.

Evidence for Defence.

Cross-examined by Mr. TINDAL ATKINSON—You say you knew the deceased man?—I knew the deceased man; but if I had been asked off-hand what his name was, I could not have told you. J. A. Dickman

Did you not know his name?—No; if any one had said to me—“Do you know Nisbet?” after a description, I would have known the man

I do not understand you Did you know his name, or did you not?—Yes, but if I had been asked off-hand, I would not be able to call that man Nisbet.

But you knew his name was Nisbet?—Yes.

By Lord COLERIDGE—You knew him and you knew his name?—Yes, if it had been mentioned to me.

By Mr. TINDAL ATKINSON—I do not quite understand that Did you know his name independently at that time of anybody telling it to you?—No, he was not an individual who was in my mind at all.

I did not ask you that . It is a very plain question. Did you know this man by name?—Yes, I did know him by name.

On the 18th March, did you know this man by name?—I did.

By Lord COLERIDGE—And by sight?—By sight. I knew he was a Quaysider.

By Mr TINDAL ATKINSON—Did you know what he was?—I knew he was a clerk on the quay, but whom he was employed with or where he was employed I did not know.

Did you know he was clerk and book-keeper to a colliery company?—No, I did not. Whether he was with a firm of merchants or shipbrokers or general dealers, or anything like that, I was not aware.

You have been connected with a colliery?—Yes.

Do you know that wages are paid once a fortnight?—I do.

Do you know they are usually paid on Friday?—Yes.

Do you know that wages are usually taken from the place of business in Newcastle to the collieries in the neighbourhood of Newcastle?—No, I could not say that—in fact, to any particular colliery.

Do you know that money has been brought?—It may have been.

John Alexander Dickman.

- A. Dickman** Money has to be drawn from the bank?—Yes, in my own case I always got the money at the bank at Morpeth.
- Wherever the bank is, and wherever the banking account is kept, the cheque would have to be drawn?—And cashed
- And the money obtained?—Yes.
- And carried by some one?—Yes
- To the colliery where the wages had to be paid?—Yes.
- You knew that?—Yes, I had done the same business myself
- I suppose you know they are usually carried in a bag of some sort?—Yes.
- A leather bag?—I could not say whether it was leather, but cash bags are usually leather
- You had gone from Newcastle to Stannington just a fortnight before this 18th March?—Yes.
- That was on the Friday?—Yes.
- The 4th March?—Yes
- You had made no appointment with Mr. Hogg on that occasion?—I did not
- He did not know you were coming?—Well, he might have been expecting me He could expect me at any time.
- I dare say he could ; but he did not know you were coming?—Quite so, but he might be expecting me.
- Why did you select a Friday?—Because it was on account of certain payments which he made on that day
- Payments that he made to whom?—To his own men.
- His wages?—Yes
- What had you got to do with his wages?—I had nothing particular to do with his wages
- Had you anything to do with his wages?—Nothing whatever
- Why did you use the word “particular”?—Well, I did not subscribe them. I did not find any money for his wages.
- Did it concern you at all, either the fact or the amount of the wages that he paid to his workmen?—Well, I do not quite understand your question.
- The question is a plain one Did it in any way concern you?—I know that he was expecting——
- Did the fact concern you that he was paying his men wages, or the amount he paid them?—In this respect it did. I wished to know whether he was receiving a portion of his fortnightly pay from Mr. Christie.

Evidence for Defence.

Why?—Because I was interested to that extent. 'I wanted **J. A. Dickman** to know if Mr. Christie——

Why? How were you interested?—I understood them to be partners.

You understood they were to be partners?—I understood they were partners

Christie and Hogg were partners?—Yes. I was very intimate with both of them

Did you hear what Mr. Christie said in Court, that you had absolutely nothing to do with the sinking of this pit?—Neither had I anything to do with it

Nor his connection with it?—Neither had I.

What would it matter to you if Christie and Hogg were partners?—It mattered very much.

How?—Because they were both friends of mine.

You have got a great many friends besides Christie and Hogg?—Yes, but I was more deeply interested in them than in others.

Why should you take the trouble to go over to Stannington to ascertain whether Christie was supplying money to Hogg for the payment of wages—that is how you put it, I believe, is it not?—Yes. I wished to know whether Mr. Christie was bluffing me or not.

Bluffing you?—Yes.

What do you mean by that?—By saying that he had no money.

What had that to do with you, supposing he had not?—
(No answer)

But you went?—Yes.

You went to Stannington?—Yes.

On that occasion you did not over-travel your station?—
No.

Do you usually read a newspaper in the train?—Sometimes. Nearly always?—Yes, if it is a long journey.

Did you on that occasion?—I possibly would have a newspaper with me.

Do you remember?—No, I could not.

Probably you had?—Very likely I had.

A racing paper?—For racing, yes, but I might have had both a racing paper and a local paper.

John Alexander Dickman.

A. Dickman You were reading those papers on the 4th March?—Well, I could not say.

If you bought them, I suppose you would read them?—But I have not said I bought them. I said it was possible I might have had two papers with me

You think it is possible you might have had?—Yes.

At any rate, you did not overpass your station?—Oh, no.

You got out properly at Stannington?—Yes

How long before that did you visit Mr. Hogg?—That I could not say

Was it usually on a Friday?—It might have been—I think it was

I asked you was it?—Yes.

It was?—Yes.

Do you know Stobswood Colliery?—I do not

You know there are a good many collieries?—Yes, in the neighbourhood.

In the neighbourhood of Morpeth?—The principal ones that I know would be the Pegswood, Morpeth Moor, and Dovecot, and that one on the opposite side of the railway—I forget the name at the moment.

If the business offices of those colliery proprietors are in Newcastle, and the banking account is kept in Newcastle, you would know, would you not, that on Fridays in each fortnight there would be somebody who would be taking a large amount of wages to these pits?—Yes, but I had not that knowledge

I want an answer?—I had not that knowledge

What?—I had not that knowledge.

I say if there being a number of pits in the neighbourhood of Morpeth?—Yes

If the proprietors of those pits keep their banking accounts in Newcastle, out of which wages had to be paid, you would know, from what you have told me, that every alternate Friday there would be a number of clerks who would have to go by railway with money to pay the wages?—Yes, but I did not know the working of any particular one.

You saw, on the morning of the 18th March, the deceased?—Yes.

You saw him in the large booking hall at the Newcastle

Evidence for Defence.

station?—I was coming just as he was going away from the J. A. Dickman ticket window.

He preceded you?—Yes.

He spoke to you?—Yes, he said “Good morning.”

That was the first time you had spoken to him?—Oh, no.

Where had you seen him to speak to before?—I think I saw him at the Lloyd George visit at Northumberland Street.

Do you mean that you saw him at the political meeting?—Not at the meeting, but he was passing in the crowd

You spoke to him then?—No.

Did he speak to you?—No.

I asked you the last time you spoke to him?—Well, I did not speak to him I thought you said the last time I saw him.

If that was not the last time you had spoken to him, when was the last time?—That I could not say.

Had you spoken to him many times?—If I met him on the quay we would always give a nod, but I could not fix the time when I had spoken to him before.

You knew he was in the employment of a colliery company?—I did not.

Did you know what his business was?—No.

Did you know what his business was?—I just knew he was a clerk somewhere on the quay.

Had he a bag with him on that day?—I did not see it on that morning—I did not notice any bag.

Were there many people at the booking office?—No, he was the only one I noticed

Was he the only one that you can remember was there at the time?—Yes.

Could you not tell whether he had got anything with him?—I could not I did not see him carrying anything.

You had a good view of him?—I was not looking.

He was leaving the booking office as you approached it?—But I was not looking to see what he had with him or anything.

You do not know whether he had a bag with him or not?—I could not say.

You went to buy a newspaper at the bookstall, and from there you went to the third-class refreshment room?—Yes.

Along that passageway that leads towards the Tynemouth station?—Yes.

John Alexander Dickman.

. Dickman You got some refreshment?—Yes.
 You came out?—Yes
 You came towards the central part of the station?—Yes
 Towards No. 4 gate?—Yes, No. 4 gate was on my left hand.
 Alone?—Alone
 Absolutely?—Yes, to the best of my knowledge and belief
I was.

 You could say?—Yes

 By Lord COLERIDGE—You were alone?—I was alone There was nobody with me that I know, although there might have been people about

 By Mr. TINDAL ATKINSON—If the deceased had been walking by your side you must have seen him?—Yes, I think I would have seen him.

 Of course you would?—Yes, although I have known myself pass people that I have known a good deal, frequently.

 I am not asking you that I am asking you about the particular occasion as you were walking down towards No. 4 gate—is it true or is it not true that you were walking side by side with the deceased man—yes or no?—That I could not say. I know I never saw him again.

 You said that the last you saw of him was when he left the booking office?—Yes; I never saw him again.

 Could it have been possible that he could have been side by side and walking along that passageway side by side with you, passing into No. 4 gate, without your knowing it?—Well, I could not say.

 Cannot you—think, think?—I know my mind was occupied with something very different from looking after any one that morning.

 To the best of your knowledge, do you say you were alone?—I was. I was in no one's company

 There were very few people about I think that is what you said just now?—I did not notice a crowd anywhere.

 By Lord COLERIDGE—Were there very few people about?—So far as I know, there were very few people about

 By Mr. TINDAL ATKINSON—Do you know a man called Raven?—I do not, except I know him now from his having been a witness.

Evidence for Defence.

You have seen him now?—I have seen him here as a witness. J. A. Dickman
Have you seen him before?—Never.

He says he knew you by sight?—He said so.

Do you remember what he said—that he saw you pass side by side in company with the deceased man, and you passed through No. 4 gate—together you passed behind this cigar place in the direction of No. 5 platform?—Yes

To the best of your knowledge, you say that is untrue?—That could not have happened to my knowledge

To the best of your knowledge, you say it is untrue?—To the best of my knowledge it is. It is quite possible that I might have gone through that gate, but I was never in the deceased man's company.

You did not go through No. 4 gate?—I may have done so; I either went through there or I went through the front, passing the front of the cigar divan. What I am positive about is going into the urinal.

You are positive as to that?—Yes.

You have not forgotten that?—I could not, because it was a necessity.

On Monday you made a statement. In that statement you said, "I went to the bookstall. I got a paper, the *Manchester Sporting Chronicle*; then to the refreshment room, where I had a pie and a glass of ale; I then went on to the platform and took my seat in a third-class carriage in the hinder end of the train"?—That is so.

You did not mention the fact that you went to the urinal?—I was not aware that they wanted such minute details. I thought that they merely wanted a rough statement.

Do you know a man called Hepple?—Yes, the artist.

Did you know him to speak to?—Yes, we are very old friends. We lived together at Wickham.

He could not make a mistake about your identity?—Well, he might now, at his age

What?—He might now.

What do you mean—he might now?—Well, he is not so young as he used to be.

Do you mean to say he is too old?—He is very much failed to what I used to know him—very much failed

John Alexander Dickman.

A. Dickman Do you mean to say he could not see you, or if he saw you he could not tell that it was you?—He might have made a mistake.

He said he saw you 18 feet away?—Yes.

You passed him?—Yes

With another person?—Yes.

And he watched you and that other person proceed to the head of the train, and the last he saw was of one of you with a hand on the handle of the carriage, and then you disappeared?—From the knowledge I have of my own actions I know he has made a mistake.

The whole of that is a mistake?—Yes

If your companion was not the deceased man, can you suggest who it was?—I had no companion.

You are positive of that?—Absolutely.

He says he saw you in the act, although he could not hear your words, of speaking to the man who was with you?—In that he is mistaken.

Is it also a mistake that you went to the front part of the train?—It is. I could not have had time to go to the front part of the train

What was the compartment that you say you got into?—It would be the second or third, or close to the compartment which had a reserve ticket upon the window, near to the guard's van.

In the last coach?—It would be in that coach.

The last coach that was travelling from Newcastle We know there was an engine and carriage at the end of it?—If we are going from the guard's van it would be the carriage or coach next to the guard's van. I nearly got into the compartment next to the guard's van.

The last compartment of the train in which passengers are kept?—The last carriage.

The last carriage?—The last carriage or coach. There is a compartment next to the guard's van. I nearly got into that, but in going past I saw that it was a compartment engaged, and I went two or three compartments past that and got in.

Then you did not get into the last coach at all?—Not the one which is the guard's van.

Evidence for Defence.

Not the one which has the guard's van attached?—No.

J. A. Dickman

We know the last one had the guard's luggage van and some compartments attached?—Well, I went past this compartment, which had on it a ticket saying it was either reserved or engaged.

Was that in the last coach, or in the last coach but one?—That is what I am not quite sure about I think it was next the guard's van, though—the carriage next to the guard's van.

By Lord COLERIDGE—The compartment next to the one with “reserved” on?—Next but one, or two, to the one which had the “reserved” ticket on the window.

It was in the last coach of the train?—No, I think the guard's van was the last coach.

By Mr. TINDAL ATKINSON—You got into the last coach but one?—Well, I cannot follow you. Do you call the guard's van a coach?

Yes?—Very well then, it must be the last but one, as far as my knowledge goes. I nearly got into the compartment which is next to the guard's van.

In justice to you I want to explain that the guard's van in this train was one coach, but with some compartments?—Yes.

There are some compartments and the guard's van all in one coach?—That is it.

Which compartment did you get into?—It would be the coach next the guard's van coach.

By Lord COLERIDGE—The last coach but one of the train?—That will be it.

By Mr. TINDAL ATKINSON—You got into the last compartment but one, or the last compartment in that particular coach?—No, I think it would be somewhere about the middle of the coach.

Next to the one that was reserved?—No, I think it might have been a door or two away.

Do you know that Hepple says that he was standing at the open door of the last compartment but one of that coach?—I do not.

Then, if your story is true, you must have passed just round

John Alexander Dickman.

. Dickman him and got into a compartment just ahead of where he was standing?—That I do not know.

It must be so if I am right in my statement?—Well, I never saw Hepple that day.

Did you see Hepple at all that day?—I did not. I know if I had seen him I would have travelled with him

Were you wearing that fawn coat?—No.

If Hall says you were wearing that fawn coat is he mistaken?—Well, I do not think he referred to me at all as wearing a fawn coat. He referred to some individual wearing a fawn coat

The man whom he afterwards picked out is yourself?—Yes, but I had my fawn coat on on that very occasion.

Had you a fawn coat on on this occasion?—No, I had no coat on, I was carrying my coat over my arm.

By Lord COLERIDGE—Had you a fawn coat with you?—No, my lord.

No coat?—I had a brown coat—my brown coat which I have with me

By Mr. TINDAL ATKINSON—You saw the coat which was produced here to-day. Had you that coat on?—No, I had not.

Had you that coat with you?—I had not

Lord COLERIDGE—You call it a Burberry

Mr. MITCHELL-INNES—I will send for it. I think it might be wise.

The WITNESS—I had my Burberry on at night at the Pavilion; at least I put it on because it was raining after tea.

By Lord COLERIDGE—I want to know whether you had with you, either on or off, the coat that has been described as the Burberry?—No, my lord, I had not. I neither had it on nor had I it off. I had the brown coat with me which I have in the cell downstairs.

Can you get it?—

Mr. MITCHELL-INNES—I have sent for it.

The WITNESS—That is the coat I had with me. I was not wearing it for the simple reason that it is rather old-fashioned. (Brown coat produced.)

By Mr. TINDAL ATKINSON—You do not call that a fawn coat?—I have had it four or five years.

Evidence for Defence.

Do you call that a fawn coat?—Certainly not. It is a dark J. A. Dickman brown coat.

By Lord COLERIDGE—It could not be described as a lightish colour fawn coat. You would not so describe it?—No, I call this a dark brown coat.

By Mr. TINDAL ATKINSON—You did have such a coat which might fairly be described as fawn in your possession?—Yes, the one which was produced in Court.

Did anybody travel with you in your compartment?—I think there were some people in, but I could not say.

Are you sure?—I think so. There would be people in that corner, some one in this corner, and I was in the middle.

Did you know who they were?—No. Somebody else might have got in and got out—so I should think. They both got in and got out.

Have you ever heard of them since?—I have not.

This occurrence has caused widespread interest?—Yes.

Have you ever heard of any of these passengers since?—I have not. I have had no opportunity.

How many got in?—I think there was one in each corner, and I was in the middle, and there might have been one on the opposite seat.

That makes five?—Yes.

Or six?—Possibly.

At Newcastle?—Yes.

By Lord COLERIDGE—One passenger in each corner—that is four?—So far as my knowledge goes.

By Mr. TINDAL ATKINSON—There might be a fifth?—Yes, possibly.

You said there was possibly a sixth on the opposite side to you?—There might have been, but I did not observe particularly.

Your attention was called to this question and the importance of this question very shortly afterwards. You were arrested on the Monday, and this happened on the Friday?—Yes.

Cannot you give us any more definite information with regard to the number of persons?—I am sorry I cannot.

Or what they were like?—No.

John Alexander Dickman.

A. Dickman Whether they were men or women?—No, I did not observe any one particularly.

Whether they were men or women?—The effect of the treatment I have received, practically speaking, made me forget

What made you forget it?—The treatment I have received from first to last.

The treatment that you have received made you forget that?—Yes.

But you remember minutely what you did up to that time?—Yes, but I was not making observations. I might have been seen by people and not seen them.

All I can say is—and I pass it by with that remark—that your attention was called to the supreme importance of this matter as short a time as three days after it occurred?—Yes

You cannot give us any better information as to the persons?—I was not asked any particular question in that respect.

In which portion of the carriage were you sitting?—I was sitting in about the centre seat, with my back to the engine.

How far did these people travel in that compartment?—I could not say.

Do you know when they got out?—Not conclusively—not exactly.

At all?—I think they got out before Morpeth.

Do you not know at what station any of them got out?—I did not observe.

They would have to pass you to get out?—Some of them would.

Two of them at least?—Yes.

You have no recollection as to when they got out?—I have not

By Lord COLERIDGE—Did they get out?—There was somebody, I think, got out, and somebody got in

By Mr TINDAL ATKINSON—Your mind is a blank?—It is, except as regards my reading the paper.

That is all that you remember?—Yes

You were so engrossed in your newspaper that you quite forgot?—And other business matters.

That you forgot what were the people who were in the carriage, and when they got out?—No, I could not conclusively say.

Evidence for Defence.

J. A. Dickman

Did you know Mrs. Nisbet?—Just by sight.
You do?—Yes.

Did you see her on the journey?—I did not
You got out at Morpeth?—Yes

You had meant to go to Stannington?—Yes
Did you consider the visit of importance?—Yes.

You had taken the 10 27 in order that you might be at Stannington or Dovecot at some particular time?—Not at any particular time, but that was the most suitable train to go by for me so as to get back into town for the afternoon

You wanted to get back in time for the afternoon?—Yes.

What time did you want to get back?—By the 1.40

You had meant to walk from Morpeth to Stannington?—
Not when I first went out

You set out to walk from Morpeth to Stannington?—Yes

Instead of taking a train which you knew was coming up in a few minutes after you got to Morpeth?—Yes; if I had got out at Stannington I should have gone to Dovecot pit, and then I should have walked from the Dovecot pit to Morpeth, so that by walking back from Morpeth to the Dovecot pit I should pass this drift; so I was merely stopping, as it were, at the wrong end of the journey.

Were you going to see Hogg, or were you going to see the drift?—I was going to see Mr Hogg

You had not set out to see the drift?—Partly. Are you referring to the Dovecot pit or the new drift?

I am talking about the drift you mentioned?—I should have seen that as well, after having seen Mr. Hogg.

You intended to walk from Dovecot to Morpeth?—Yes

To see this drift?—Yes

What had you got to do with the drift?—A friend of mine had asked me certain particulars about it as regards what it was worth.

Who was the friend?—What is his name?—Is it necessary to disclose private names?

Why not, it will do him no harm?—Mr. Ernest Houldsworth. Of Newcastle?—Yes.

Had you arranged with him to see it?—I had not.

Did he know you were going to see it?—He did not

By Lord COLERIDGE—What do you say?—He asked me some

John Alexander Dickman.

A. Dickman time ago regarding its position, and the conditions and facilities as to putting coal on either at Morpeth or at Stannington, and what it was likely to turn out, or what it was likely to be worth. He had asked me if I knew any particulars

How long ago had he asked you?—Well, a short time previously

What is his address?—In Grainger Street; I forget the number

By Mr TINDAL ATKINSON—What is he?—A coal merchant.

Mr. E Houldsworth, coal merchant, Grainger Street, Newcastle, asked you?—Yes.

By Lord COLERIDGE—Do you know the number?—I do not know the number, but it is Merton's Buildings

I suppose he had got his address up?—Yes.

By Mr TINDAL ATKINSON—You had that in your mind when you started?—I had.

That you were going to Dovecot to see this drift, and then walking on back to Morpeth, and coming on back that way?—Yes

Why come back to Morpeth? Why not go back to Stannington?—Well, it is immaterial; I like the walk for one thing.

As I understand you, I have not got the actual mark which was made; it was somewhere between Catchbourne and Clifton, about half-way?—Yes.

You would be going out of your way to go back to Morpeth, because you would be going back on the line. It is as near to Stannington station from that point as it is to Morpeth?—Well, we do not take it in that way; at least, I do not take it in that way. Besides, if I had plenty of time, I should have gone to the refreshment room and had refreshments at Morpeth.

You got out on to the platform at Morpeth. Had you got your ticket ready before you approached the collector?—No.

Did you have to get your ticket out of your pocket?—I got my ticket out of my waistcoat pocket.

With which hand?—*This* hand.

The left hand?—Yes

Did you take 2½d. out at that time?—Not at the same time.

Had you the 2½d. ready for the collector as you passed out?—No.

Evidence for Defence.

Did he have to wait while you found the 2½d ?—No, he was J. A. Dickman busy tearing the ticket in half. I gave him the whole ticket.

He was tearing it in two and giving you the other part?—By the time he had done that I had got my 2½d. ready.

Did you know it was 2½d ?—I was not quite sure, but I thought it was. That is why I asked him I believe I had threepence in my hand

Did he give you change?—No; I had two pennies and two halfpennies, and I gave him 2½d. and I said, “I think that is correct.”

Did you ask him any question whether that was correct?—Yes, I said, “I think that is correct,” and handed it to him when he handed the return half to me.

You had this coat over your arm?—It was over my arm like that, so I had it in *that* position. (The witness illustrated with the coat.) It was either one or the other. (The witness further illustrated his position)

Then you proceeded to walk?—I went down the bank

You got in at twelve minutes past eleven?—Yes, so I suppose from the evidence

When was it that this sudden attack seized you?—

By Lord COLERIDGE—Before you pass from that you had better put Athey’s evidence to him.

Mr. TINDAL ATKINSON—I am obliged. (*To Witness*)—You heard Athey’s evidence; he was recalled?—Yes.

He says you were wearing an overcoat?—Well, I was not. I had it over my shoulder or over my arm

Did you have the ticket and the 2½d. ready for him?—I had not. I gave him the whole ticket, which he tore in two, and he gave me the return half.

Had you to pull your coat on one side to free yourself to get the ticket and money?—No, I might have had to unbutton this jacket.

By Lord COLERIDGE—Then he is wrong?—He is wrong in that respect I might have had to unbutton this jacket to get at my waistcoat pocket.

By Mr. TINDAL ATKINSON—And that you had 2½d. ready for him, and not 3d?—I gave him 2½d. He could not see what I had in my hand, so far as I know.

John Alexander Dickman.

A. Dickman You heard his evidence?—I did.

No suggestion was made to him that you had got your coat in the position in which you now say it was?—I do not understand you.

No suggestion was made to Athey in the witness-box that you had your coat in the position in which you say it was?—I do not know.

Where were you when this sudden attack came on?—Well, I would be a little way past these houses where I marked it—*there*, what I believe is called Catchbourne

You were a little past Catchbourne when the attack attacked you?—Yes, I was within a few hundred yards of the drift, or about the drift—almost to the drift

Do you mean to say that the attack did not arrive until you had got to the drift?—It had been threatening all along

By the time you got to the drift it was at its worst?—Yes.

By Lord COLERIDGE—When did you first begin to feel the symptoms?—In walking along the road.

How far from this place?—Well, perhaps after I had walked ten minutes or a quarter of an hour, or half an hour.

You could not go back to the lavatory at Morpeth?—No, my lord.

By Mr. TINDAL ATKINSON—Did you think of turning back to Morpeth?—No, I thought I could relieve myself straightaway

Why should you not go back? You had only ten minutes' walk from the lavatory at Morpeth?—It was not severe enough then.

You kept on?—Yes.

It kept getting worse?—Yes

The further you got from Morpeth the worse it became?—Yes, at different times.

Finally it got to such a state that you had to stop—and you had just got to the drift?—Not quite to the drift.

Did you ever see the drift that day?—Yes, I could see the heap at the side.

Did you see it when you were taken so bad?—No, I could not see the drift itself, I could see where they had been putting the refuse out.

You never visited the drift actually that day?—No.

Evidence for Defence.

Did you ever get over the hedge, or what did you do?—I think **J. A. Diekmar** I got over some railings or through a hedge.

You think—you do not know?—No, I could not absolutely say which, whether it was a fence or a gate in the hedge or what.

Or a gate?—No, I could not say that.

You could not say whether it was a gate, or hedge, or railings?—It certainly was not a gateway.

You got over somewhere?—I got through the hedge, I think, or over the hedge

By Lord COLERIDGE—What sort of hedge?—Just an ordinary hedge or fence.

A quick set hedge?—Well, I think the fence was perhaps broken in some places.

Was it a quick set hedge?—I do not know what that is.

Was it a thorn hedge?—A thorn hedge.

A thorn hedge it was?—Yes.

By Mr. TINDAL ATKINSON—You are sure about that?—I think so, but it might have been some railings.

It might have been anything?—Yes.

It might have been railings or it might have been a hole in the hedge?—I did not take particular notice.

It might have been that you got over the hedge?—Yes.

Or through?—Yes.

A thorn hedge?—Yes.

Where did you find yourself?—In a field.

What sort of a field?—An ordinary pasture field.

Was it a pasture field?—Yes, a grass field.

On which side of the road?—On the right hand as you go from Morpeth.

Were you returning to Morpeth at the time?—No, I was then expecting to be relieved, so as to go on my journey.

You got out of the field—as I understand, you did relieve yourself?—No.

You failed?—I did; I was very severely strained; I had very bad feelings.

You took off your coat?—No, I had no coat to take off. I laid my coat down part of the time.

Did you lay that coat down?—Yes.

John Alexander Dickman.

A. Dickman Did you lie down in the field?—I did, to rest.

How near the hedge?—Close to it.

For how long?—Well, four or five or ten minutes at different periods; I then got up.

By Lord COLERIDGE—Different periods?—Different periods.

What do you mean by “different periods”?—After resting I got up and tried to relieve myself, and failed. Then I had to lie down again; then I was trying to put myself right, and I could not put myself right, and I was waiting for these lumps to recede.

Was it diarrhoea or constipation that you were suffering from?—First of all, I thought it was diarrhoea.

And then it turned out to be constipation?—It turned out a case of straining and no relief.

By Mr. TINDAL ATKINSON—You mean to say you could not pass anything?—I could not pass anything.

What was the good of lying down?—To give these protuberances a chance of getting back.

Then you got up again?—Yes.

Had they gone?—No.

Why did you not continue to lie down?—I was trying to put myself right.

How many times did this performance go on?—Well, twice or thrice.

What was the whole time occupied before you were in a position to take the road again?—That I could not say, but it seemed to me about half an hour.

How long had it taken you to get where you were?—About half an hour.

That would be an hour?—Yes, it might have been more or less.

I do not know what that means. You told us that it would not be more than a mile and a half at the outset?—Yes.

It would not be more than a mile and a half that you would travel?—Well, I should think it would be about two miles.

It would not take you more than half an hour?—Well, I could not say the exact distance, I think I had walked about half an hour.

It took you half an hour to get yourself into condition to take

Evidence for Defence.

the road again from the field?—Yes, it might have been more or less. **or J. A. Dickman**

I took your own words?—It might have been more or less. In either case I did not fix the time, because I did not look at my watch.

Then you walked back to Morpeth?—Yes.

Were you more comfortable then?—I was feeling a little better, a little easier, after I got on the road.

How long did it take you to get back to Morpeth?—I should think it would take possibly half an hour.

Half an hour?—More than that.

To walk a mile and a half?—No, it would be more than a mile and a half, so far as I know.

At the outside it is a mile and three-quarters?—But that is an indefinite place I have put; I have put it from memory.

I know?—Yes.

Assuming it took you the same time to go back as it took you to come, it would be half an hour, with half an hour in the field?—It would take me slightly longer to get back.

You did not get back to Morpeth till ten minutes past one?—It would be about twenty minutes past.

That is over two hours from the time you left Morpeth station?—Yes.

Where was the other half-hour spent?—The time was fully occupied in what I have told you.

Did you see anybody on the way?—Yes, there were different people, but I took no special notice of that. There was no one that I saw that I knew.

Were you in pain when you got back to Morpeth?—Slightly, I was sore.

I suppose rest is the best thing for that sort of thing?—A reclining position, as you need to have these protuberances put back.

You got back to Morpeth station at thirteen minutes past one for a train starting at 1.40. Instead of waiting for the next train to Morpeth and going into the waiting-room, you walked away from Morpeth station down to Morpeth town?—I went out at the east side of the station.

I know?—I put my coat on then.

John Alexander Dickman.

.. Dickman You proceeded to walk further than you need do?—Not what you may term a quick walk.

I did not ask you about a quick walk?—No.

You told me a reclining position was the best for your complaint?—Yes, but I had walked then I had walked back to the station, and during that——

How far from the station did you walk? I think you gave us the point?—That is as far as my memory can say.

You walked to the Newcastle Arms?—I was going down to the Newcastle Arms

How far did you walk from Morpeth station?—I walked up to the depôt

By Lord COLERIDGE—Can you point out where the Newcastle Arms is?—Yes. (The witness marked on the plan.)

By Mr. TINDAL ATKINSON—How far do you say you got?—When I left the platform?

Yes?—I went out by the east side, and I went up past the coal depôt up to the top of the bank near to the cattle market place or the auction market.

How long did it take you to do all that?—Half a minute or a couple of minutes. Then I turned back.

You intended to go to the Newcastle Arms?—Not when I first left the station.

What did you go for?—I just went out to see the coal depôt.

For a walk?—To see the coal depôt, and just cool off.

Cool off?—Yes.

Why could you not cool off by reclining in the waiting-room at Morpeth station?—That would be in a sitting position. I would be sitting in an arm-chair.

By Lord COLERIDGE—Had you walked so fast as to get yourself hot?—Well, it does not take me much walking, or walking very far, to perspire when I am in that condition.

By Mr. TINDAL ATKINSON—It was the 18th March, not the summer-time?—Yes; but I was very stout then.

You got very hot?—Yes, I was hot

It took you more than half an hour, I understand you want to suggest, to walk a mile and three-quarters?—Yes. I do not know whether it is a mile and three-quarters, or two miles, or two and a half. I am not sure of the distance.

Evidence for Defence.

We know that you have marked the plan?—Yes; but I am J. A. Dickman not sure about that place. If you could find out where the drift is, I should say that is the point.

My lord asked you to mark it, and you have marked it?—I am not sure of that point on the plan. I have told you the place I went to, and you can ascertain where the drift is

You had not reached the drift?—No, I was not quite to the drift

Then you caught the 1.40?—I came back with the intention of catching the express. That is how it is I tried to hurry. I hurried as much as I possibly could.

Before you got to Morpeth station?—Yes.

You hurried as much as you could?—Yes, I tried to catch the express.

Then you took the 1.40, and you came back to Newcastle?—Yes, ultimately.

Were you out again that day?—I went home at about half-past four or a quarter to five.

You went out again?—I went home.

Did you go out again that evening?—I did, certainly, after tea.

What time did you get home ultimately?—At night, it would be about half-past nine. I came straight home from the Pavilion.

Were you out on Saturday?—I was out on the Saturday afternoon. After that I came down to the Turk's Head.

Had you got better then?—Not completely, but I was feeling better.

You were feeling better?—Yes.

I see in your statement you say, "I have been very unwell since"—So I have been.

"But was out on Saturday afternoon and evening" You were out on Friday afternoon and evening?—After I came back to town I went and had a cup of coffee, and that brought on the diarrhoea which gave me the relief that I needed.

Do you know this pit, the Isabella pit?—I do not.

Do you know where it is?—I do not.

Do you know to whom it belongs?—I do not.

Have you ever passed it?—I may have passed it and not known.

John Alexander Dickman.

Dickman Have you been along that road?—About twice, I think.

Is there a pit shaft close to the road?—As far as I know there is—that one beside Stannington station. What is that one?

About half-way between Morpeth station or a little more—I think it is just about half-way—is there a pit shaft close to the road; do you not know?—No.

You may have passed it?—That is what is called the place at Stannington on the opposite side of the bank.

I do not understand you. I am speaking of the Hepscott Colliery?—I do not know that colliery

You have been along that road?—Yes

Do you not know there is a shaft close to the road?—I do not.

Do you know Spooner?—Yes, he used to be manager for us.

Do you know he is connected with this very colliery?—I know he has had to do with the colliery at Hepscott, which is known as the Hepscott Colliery.

Do you know there were difficulties in working the pit on account of the water?—I did not.

He says you did?—Well, I believe I met him once, and we had some talk, but I had not paid any attention to it, or made any particular note about it. I might have asked him how he was getting on, and he might have told me this; but I paid no attention.

By Lord COLERIDGE—Did you know he was connected with the Isabella pit?—I had never known the name of the pit by the Isabella pit. I never knew there was an Isabella pit.

By Mr. TINDAL ATKINSON—Did you know there was a Hepscott colliery. Do you know where Hepscott is?—I know it is at the east side of Morpeth station.

South-east of the railway?—Well, I do not say whether it is the south-east or not. I know it is the east, along what you call the Blyth—at least what I call the Blyth Road.

You have passed along that road?—Only on two occasions.

By Lord COLERIDGE—What do you call the Blind Room?—The Blyth Road.

By Mr. TINDAL ATKINSON—You have not been asked, but I am going to ask you, how do you account for that blood upon these suede gloves?—I cannot account for it at all. I know

Evidence for Defence.

I discarded the use of those particular gloves a good long J. A. Dickman period.

How long?—Before Christmas.

Three months before?—Quite. They have been thrown on one side. They did not fit me. Might I look at them?

The gloves?—Yes, both of them. (Gloves handed to the witness.)

By Lord COLERIDGE—"I had discarded them three months before"—Yes.

By Mr. TINDAL ATKINSON—You had not used them?—I had not used them.

They are yours?—I am trying to recognise them. I bought these gloves—the brown leather ones—at the same time. At the time I was using these on week-days and the brown gloves on Sunday. I discarded these, and I used the brown gloves continuously.

Why did you discard those?—Because they were badly fitting gloves.

Why did you ever wear them?—I was bound to wear them after I had bought them. I thought they would have stretched.

They are too small?—They are too small.

But you have worn them?—Yes, I have worn them as well as I could.

You started wearing those on week-days and the brown ones on Sundays?—Yes.

You cannot account for that smear of blood upon the left thumb of that glove?—No, I cannot very well; not unless I have been bleeding at my nose, or I have had a cut, or something like that, and touched it.

By Lord COLERIDGE—The analyst said it was recent?—Yes

If these gloves had been discarded for three months it could not have come in that way?—I have not had those gloves to wear or to carry this side of Christmas.

By Mr. TINDAL ATKINSON—Where do you keep them?—In a drawer in the hall-stand as a rule, or about there.

Can you account for the blood in your left hand trousers pocket on the clothes that you were actually wearing on the 18th March?—My own opinion of that is that I might have got it from my nose, or from a cut in my face

John Alexander Dickman.

Dickman In your left hand pocket?—Yes, or when I have been cutting my toes.

Cutting your what?—Cutting my toes. I mean cutting my corns.

That is the only way you can account for it?—That is the only way I can account for it.

You must have got some blood upon your hand, and it must have been communicated to your pocket?—I had very frequent bleedings at the nose in the morning—very frequent.

You would not wear your gloves then?—No.

How about this stain upon your coat; what is that stain?—So far as I know, I think it was got with bicycle oil when I was busy oiling the patent roller bearing with which I was interviewing different gentlemen about at Christmas.

What sort of oil?—Bicycle oil. One of the bearings was stiff, and I had to use the bicycle lubricator to squirt the oil in.

That is bicycle oil?—Yes.

That is not paraffin oil?—That might have been from the patent cleaner that we have at home. I think my wife tried to clean it.

Your wife tried to clean it?—Yes.

With what?—This patent cleaner, one of these ball things—a small sort of thing. I do not know what you call them, but you see them in chemists' shops

When was this?—That would be some time about Christmas or some time in January, when I was busy with this particular model of the roller bearing

You say that you had £120?—Approaching that—£110 to £120.

Approaching from £110 to £120 as the result of the flat racing season?—I had that. That was about the amount I had at the end of November.

Had that gradually been increasing?—Well, I think it had.

For what period?—Well, over the whole year. That was what I was left with.

How much had you in October?—That I cannot say.

How much had you in October?—I could not say how much.

About £100?—I do not know. I might have had £50, or £60, or more or less.

Evidence for Defence.

Do you not know?—No.

A considerable sum?—Yes.

J. A. Dickman

If that were so, how came you to be going to Cohen, the moneylender, and borrowing the sum of £5?—£20. The purpose that I had for going to Cohen was to ascertain if it were possible to obtain loans at the advertised rates of interest, and for no other purpose. I did not need money.

By Lord COLERIDGE—You did not want the money?—I did not.

You wanted to see whether it was possible to obtain loans at all, or at what interest?—At the advertised rate of interest.

By Mr TINDAL ATKINSON—You took the loan?—After consideration.

And you spent the money?—I do not know whether I spent it. It would go with my other amounts.

Do you know that in January you said you could not pay back the principal?—I may have done so.

You had only borrowed this as an experiment?—Yes.

To test Mr. Cohen's rate of interest?—Yes.

You had got at that time a considerable sum of money?—Yes.

I think it must have been something more than £70?—Yes.

You say you had got £70 in February?—Yes.

You told Mr. Cohen that it was not convenient to repay the principal?—I must have said so, but I have no recollection of it.

If you did, it was an untruth?—I know Mr. Cohen said at our interview that he would be very pleased if I kept it as long as ever I liked.

He said so, as long as you paid the interest?—He did not want it back. I was certainly not hard up.

You paid the last £1 on the 17th March?—Yes, that was a Thursday.

The day before this murder was committed?—Yes.

By Lord COLERIDGE—You would have had no difficulty in repaying the £20?—None whatever.

The experiment having proved successful, why did you go on paying £1 a month interest instead of repaying the principal?—It was only a very small remuneration that he was

John Alexander Dickman.

A. Dickman getting, or he made out it was a small remuneration—£3, as he called it, but if I were to keep it for a matter of six months, then £6 was worth considering if he was going to make——

You do not follow me. You said you had plenty of money to repay him?—Yes.

You only took this loan as an experiment to find out whether you could get the loan upon the advertised terms?—Yes, as he advertised.

That experiment turned out to be a success because you found you could?—Yes.

Having ascertained what you wanted to know, why did you, instead of repaying the principal, which you said you could do, after that go on paying him 60 per cent. interest?—Well, it was not such a great amount. It was not a large amount to pay—5s. a week, or about £1 a month. He rather demurred when the loan was being discussed that it was only a small amount, and in the meantime this £200 had been loaned.

By Mr. TINDAL ATKINSON—You were paying 60 per cent?—Yes, but it does not amount to very much at £1 a month.

You continued to pay up long after you found out?—I was only going to pay it till the end of six months. That is as long as I intended to pay it, and I expected to get certain commission from the loan of £200 which would have recouped that.

Do you remember whether at the same time you were trying another experiment by trying to borrow a sum of £10 from a man called Swinney?—That was what Swinney thought was about October, but I think it was the year previous.

I am taking his statement. He says it was in October last that you came to him and wanted to borrow £10, and that he refused?—Possibly.

How came you to be borrowing £10 from Swinney when you had got a large amount of your own?—I did not want to borrow money for myself.

You had got a large amount of your own?—I had sufficient for my own purposes.

Do you remember asking Mr. Hogg to let you have £2 to tide you over, or to put you over—I think that was the exact word he used?—No, I did not. I remember the whole of one Saturday afternoon with Mr. Hogg, and I remember the occasion when he said he had only £2, and he gave me a sovereign.

Evidence for Defence.

He has told us you asked him for £2?—Yes. He said, J. A. Dickman “How much do you want? I will let you have a cheque for what you want.” I said, “A cheque is of no use. Give me a pound,” and he gave me a pound.

You were not in want of money at all?—On that occasion I did not want to go home. I had my money at home. I was down town, and I had spent the whole Saturday afternoon with him, and it meant me missing a certain party

You asked him, according to his account, to lend you money to put you over or to tide you over?—He said he thought it was to put me over, but I did not give any reason why I wanted it. I said, “Can you let me have a couple of sovereigns?”

On the 14th of February of the present year is it true that you went to Mr. Ketterer, a jeweller?—That is quite true.

You borrowed from him a sum of £5 on some jewellery?—I did not borrow the money. I said, “Give me £5, and here is something to show I will pay you back again.”

You had got money then?—Yes.

You had got £70 at least then?—Oh, no, I should have about £40 or £45 then.

That is quite sufficient for your purpose?—£40 or £45.

You were pledging a scarf ring?—No, I was not.

You were depositing with him a scarf ring?—I was putting them in a place of security.

And some links?—I was putting those links and things in a place of security.

Some links and some studs?—They can be produced without your giving any description if you wish for them

I only want the fact. Is Mr. Ketterer's statement correct?—Certainly it is—a great portion of it—but I gave him a different impression of what I wanted the money for. I put these articles in a place of security on account of there having been some burglaries in our neighbourhood, and I intended to go away for a period.

Do you suggest they were out of the way of possible burglars—Is that the reason that you went to Mr. Ketterer?—Yes, partly. I used to leave these things lying about the house

Did you say you were going to Liverpool?—I was going to see the Waterloo Cup

Did you say you wanted it for the Waterloo Cup?—I believe I did.

John Alexander Dickman.

. Dickman You had got £40 or £50 of your own?—About £40 or £50. I suppose you are a business man yourself—

Never mind. On the 1st March were you pledging field glasses for 12s 1d.?—I took those field glasses down to sell, and I failed to sell them, and therefore I left them down in pawn.

Why? You were not in want of money?—No, I was not

On the 17th March?—I have pawned things without needing money.

On the 17th March, the day before this murder, you pledged some more glasses for 15s.?—Yes, I intended selling both of those glasses. At least I intended to buy a new pair of glasses, and I wished to dispose of both those racing glasses.

You pledged them in the name of John Wilkinson, of 180 Westmoreland Street?—I do not know the exact address. I think I made a mistake in the address.

Why “John Wilkinson”?—I do not know—just on the spur of the moment.

What had you then on you?—I gave my wife a sum of money of £15 or £20 when I did not go to the Waterloo Cup

You did not go to the Waterloo Cup after all?—No.

You had two banking accounts at one time?—Yes

Were those both closed at the end of the year?—Neither of them is closed now. They are both lying dormant

There is nothing in them belonging to you?—I believe there are a few coppers in one—a few odd shillings.

Has your wife a savings bank account?—She had, or she has

Do you know that at the time of this murder it had been reduced to 10s. and something?—I did not. She often had money in reserve that I knew nothing about.

Your wife had an account at the Co-operative Society?—Yes, I knew about that

Did you know that had been reduced down from about £70 at one time to a sum of £4?—I know that it had been reduced, but I do not know the exact amount.

Except your story about this £15 in the canvas bag and the £17 that you had upon you?—That I had upon me.

Except your account that this was the balance of your winnings after racing, is there any other source which you can suggest from which this money came?—None whatever.

Evidence for Defence.

Do you know you were being pressed for rates?—Never in J. A. Diekman my life while I have been a tenant.

On 25th January?—No.

What?—I was never pressed for rates.

Did you know there was trouble about getting the money for the rates?—Never—never any trouble.

Re-examined by Mr. MITCHELL-INNES—You have been asked several questions about the people in the train with whom you travelled on that day?—Yes.

You remember when you got in at Newcastle?—Yes

Do you remember mentioning that fact in your statement to the police on 21st March?—I think I said——

Wait one moment, I will read it. Do you remember saying this, “My recollection is, although I am not quite clear on the matter, that people entered and left the compartment at different stations on the journey”?—Yes, I said that off-hand.

That was your account then?—Yes.

That is your account to-day?—Yes, but I wish to imply that I did not make a very close observation.

I quite follow that. You say, “Though I am not quite clear”?—Yes.

It was put to you, why did you not go back to Stannington instead of going to Morpeth?—By train?

In walking, why did you not go to Stannington instead of going on to Morpeth?—Yes.

You told Mr. Atkinson that if you had got out at Stannington you intended to walk to Morpeth by way of Dovecot?—Yes.

Is there any refreshment room at Stannington at all?—None.

Was that the object with which you would have gone on to Morpeth?—Partly. As a rule, when I have been out on a journey I always called in and had a cup of Bovril or a cup of tea, or some slight refreshment of some sort at that refreshment room.

There are, I take it, better trains from Morpeth to Newcastle than from Stannington to Newcastle?—Yes, you can get expresses at Morpeth.

I understand your account is that on this particular day you had a very bad attack of piles?—That was the absolute result of it when I was out there.

It is no use mincing matters. You had a bad attack of piles?—Yes.

John Alexander Dickman.

. A. Dickman And you attempted two or three times to relieve yourself and could not?—I could not.

You could not get the piles back?—No, I could not

I want to be quite clear about that How did you feel when you got out of that field, after having rested there, when you started upon your journey to Morpeth?—I felt very stiff, at least, I felt it was very bad walking, I was in a sort of strain

You hurried as much as you could to catch the express?—I tried to.

Could you go very fast?—Well, I was in a very heated state through exertion, and through being in a very uncomfortable position.

Were you in pain?—I was. There was something that would not go away.

Do you know, as a matter of fact, what has happened to those suede gloves since you have discarded them?—Nothing whatever

Do you know of anybody that has been wearing them?—I put them on to one side for any one's use; or, perhaps, to put them on if I was going to clean my bicycle

What I want to know is, do you know or not that any of your family has been wearing them?—No, I do not

You have not, in fact, worn them, and you have taken to the tan gloves?—Yes.

You have mentioned a patent cleaner What do you mean by a patent cleaner. What is it like?—I bought it myself.

Is it a pad or a piece of soap?—It is a pad That is the proper thing to say. It is a patent pad cleaner.

Sold by chemists?—Yes, I believe I bought it in London, and brought it home with me.

Has it any odour of any kind?—It has

What of?—Ammonia.

It smells of ammonia?—Yes, it smells of ammonia so far as my memory goes.

It has a sort of spirituous smell?—Yes.

It has not been seriously suggested, I understand, but anyhow there is no foundation for the suggestion that you have been in difficulty about your rates?—I have never been in difficulty about my rates—my wife may have thought so.

Evidence for Defence.

With you, like other people, if you could not pay your rates, J. A. Dickman a distress would be put in?—I can explain this.

Will you answer the question? I suppose, if you do not pay your rates, with you, as with other people, a distress would be put into your house?—Of course, it would be, but there has never been any occasion like that with me. I have never been in such a position, or in such a condition. I might have allowed my wife to think I was short of money, merely to cause her to keep expenses down.

As to money matters, did your wife, as a matter of fact, ever complain to you that she was in want of money?—No; she has not complained—not in a complaining way.

I understand you to say that she had money that you might not have known of?—Yes.

Why do you say that?—Well, she had a reserve fund in the stores. It was in her own name. It was a question of whether it was my money or whether it was her money—that is between us.

With regard to the Landsale Colliery that you referred to, or this drift as I understand, has it recently been opened?—Well, I think it would be opened some time at the back end.

Of last year?—Yes.

It has been opened as recently as the back end of last year?—Therefore I got to know about it.

Therefore it is not marked upon any of these maps?—No.

In putting the mark as you have, at the request of his lordship, you have put it as nearly as you can, according to your memory?—Yes, but I am not certain about the place.

Is it in a field?—Yes.

An ordinary field?—Yes; it might be close to where I marked, or I might be mistaken in my distance on the map. But I know Mr. Houldsworth asked me about it, but I had no knowledge of the place when he asked me about it.

Mr. TINDAL ATKINSON—There are some documents that I could not use in the first instance; documents written by the wife to her husband. My friend has chosen to ask the question whether the wife had ever complained about the want of money. Under those circumstances I am entitled to use these documents, I think.

Lord COLERIDGE—I think you are.

John Alexander Dickman.

. A. Dickman Mr. MITCHELL-INNES—I have no objection—none whatever—but I shall have a comment to make upon it at the bar

The WITNESS—May I make a remark?

Mr. MITCHELL-INNES—You had better not.

The WITNESS—Thank you.

Further cross-examined by Mr. TINDAL ATKINSON—This is a letter dated from 1 Lily Avenue, Jesmond, Newcastle-on-Tyne, of the 25th January, 1910—"Dear Jack—I received your card, and am very sorry that you have no money to send I am needing some very badly The weather here is past description. I had to get in a load of coals, which consumed the greater part of a sovereign. The final notice for rates has come in—in fact, came in last week, which means they must be paid before next Thursday. Also Harry's school account. With my dividend due this week and what is in the post office I dare say I can pay the most pressing things, but it is going to make the question of living a poser, unless you can give me some advice as to what to do." Then there is something which does not matter. "Trusting to hear from you soon regarding what you think I had best do, I am, yours faithfully, Annie Dickman" Is that letter from your wife to you?—I think so; but you are putting a very different construction on it as an outsider

I have read it?—Yes; an outsider puts a very different construction upon that letter and what the words infer to what I do, as coming from my own wife to me.

Further re-examined by Mr. MITCHELL-INNES—Upon that I ask you, is it within your knowledge that in January, 1910, your wife had £17 11s. in the Co-operative society?—I did not know how much she had, but I knew she had some.

By Lord COLERIDGE—At that time?—At the same date as that letter.

By Mr. MITCHELL-INNES—And at the savings bank she had £15 0s. 9d.?—Yes.

That would approach £40 altogether, if added together?

Mr. TINDAL ATKINSON—£32.

The WITNESS—Yes. We had some little bickering as to who had to pay or draw upon certain things at that time, but, however, I gave way and settled matters.

Evidence for Defence.

By Mr MITCHELL-INNES—However that may be, that was in J. A. Dickman her account at the time she wrote that letter?—Yes, we always had little bickerings about these accounts.

As to who should pay what?—As to these little bits of things That is all I ask you?—Shall I take these coats, or leave them?

Mr. MITCHELL-INNES—Leave them. That is my case.

Evidence for the defence closed.

Mr. Tindal Atkinson's Address to the Jury on behalf of the Prosecution.

Mr. TINDAL ATKINSON, in the course of his address* to the jury on behalf of the prosecution, said the prisoner was entitled, whatever charge might be brought against him, to go into the witness-box. Dickman had been there, and the jury had had an opportunity of hearing what he had to say in explanation of the facts which had been laid before them by the prosecution, and, in order to show if he could, that he was innocent of the charge. They had an opportunity of watching him, seeing his demeanour, and of listening to the statements he had made. To a large extent, where the ring closed more closely than ever around him, the accused had contented himself with a flat denial of some of the principal facts sworn to by the witnesses for the prosecution. The jury would have to make up their minds which they were to believe. It was a case of circumstantial evidence. No one saw the crime committed. They had to link together the facts and see if they formed a complete chain. They had to decide whether they were satisfied, beyond all reasonable doubt, that the prisoner was guilty of this murder. First, let them ascertain what was practically certain. At what stage of his journey was the man murdered? Was he murdered before Stannington? That was impossible, because he was seen alive and well at that station. Was he alive at Morpeth? There was

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* From the report in the *Newcastle Chronicle*, 7th July, 1910.

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Atkinson evidence that he was not. If they believed the evidence of Grant, the man must have been underneath the seat, murdered. It seemed clear that the murder took place between Stannington and Morpeth. Who did it? From the evidence it appeared that there was only one man in the compartment with the deceased when the train left Newcastle. Whoever that man was, he was the murderer. They would come to the conclusion also that the murderer got out at Morpeth. Who was the man? Evidence had been called for the purpose of showing that it was the prisoner—that it was he who accompanied the deceased when he approached the 10 27 train. If they believed that evidence, it would enable them to go a long way towards coming to a conclusion that Dickman was the murderer. It was not suggested that once in, he ever got out. He travelled to Morpeth, the station at which the murderer undoubtedly got out. Was Dickman the man who got into the compartment with the deceased at Newcastle? They had witnesses who spoke to having seen him on the platform.

Mr. Atkinson, criticising prisoner's evidence, said the best he could say about the deceased being with him at the Central station was that he did not notice anybody by him. That would not do. Because Raven saw the two men walking side by side as companions. If they believed that prisoner had told an untruth with regard to one of the most important matters in the case, they could not place reliance upon his testimony generally.

But that is not the whole of the evidence against him, proceeded Mr. Tindal Atkinson. On this question of identity you have the evidence of Hepple, who knows the prisoner well. He had known him for several years. There can be no mistake here in the identification, unless you accept the explanation which the prisoner was driven to, namely, that Hepple has got so old that he could not possibly use his eyesight with sufficient accuracy to know the prisoner when he passed him. Do you believe that? If you don't believe that, then that is another falsehood. "Eighteen feet away," said Mr. Hepple, "I saw this man with another man whom I did not know." The man I did not know was a slightly built man, and you have that description given by the widow. The prisoner passed

Mr. Atkinson's Address to the Jury.

Hepple with that man, and went to the head of the train, and they were seen to get in. If that is true, then it makes falsehood number three, for the prisoner's evidence is that he got into the hinder part of the train. He has gone further, because he has told us that he got into the compartment which was in the centre of the last coach but one

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That, in the face of Mr Hepple's evidence, said Mr. Tindal Atkinson, is absolutely impossible, because the prisoner's explanation is inconsistent with there being any one at all with him. It won't do for the prisoner's advocate now to suggest that it might have been some one else than the deceased who entered the compartment with the prisoner. The prisoner's evidence has put an end to that account. "No one was with me," he says To suggest that some one else than the deceased was with the prisoner was the only possible explanation, but it is not the prisoner's explanation. If you come to that conclusion, then you have landed him in the compartment in which this murder took place. Then when Hepple saw the prisoner and deceased pass him, Hall saw the deceased and another man go towards them up the train, and in the absence of any explanation that it was some other companion than the deceased who was with him, and some one whom he cannot name, the prosecution invite you to say there can be no doubt the deceased and the prisoner were the same men who passed up the platform and got into the compartment in which the murder took place.

Then they had the evidence of the widow, who is absolutely certain it was the prisoner who was with her husband in the compartment The evidence therefore was cumulative It did not depend upon one witness. A man naturally shrunk from being absolutely certain, as Hall had done, unless he had evidence beyond the possibility of any doubt.

But up to this point you have quite sufficient evidence to convict him of this murder. But there is something more. There is the overcoat, and the fact that he had his money ready to pay for his ticket, and except for his own statement there is no evidence called for the purpose of accounting for his actions between twelve minutes past eleven and twelve minutes past one. You have only this very extraordinary statement which he has made, and if he has chosen to tell falsehoods with

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regard to the earlier history of this case, can you believe the statement as to what he was doing during those two hours?

Then why did he select a Friday to go? He made these journeys to Stanington on Fridays, when the money was taken from Newcastle to the collieries. He was there on the 4th, exactly a fortnight before. It is for you to judge if it was possible—and the facts seem to show it may be probable—that if he had made up his mind—having regard to his financial position, and being desperate to get money somehow—if it is possible in the circumstances, and probable, that he took that journey on the 4th, for the purpose of seeing if it was possible to obtain some of the money which was for the collieries. On the 18th, just a fortnight afterwards, he goes again.

With reference to the prisoner's story at Morpeth, counsel remarked that, even allowing half an hour each way and an hour at the place where Dickman said he was, he had not accounted for the two hours. The suggestion of the prosecution was that the two hours spent by the prisoner at Morpeth were occupied in getting rid of the bag which contained the money. Had he that bag when he left Morpeth station? That was a question they would have to ask themselves. If he had not, he could not be the murderer. He probably had it beneath his coat.

That bag, as they knew, had been found ripped open, and must have been carried from Morpeth by somebody in the compartment in which the murdered man was. The suggestion of the prosecution was that he took the high road which led past the Isabella pit, and, having got so far as that, there came this apparent easy way of disposing of this bag. There was this apparently disused shaft with an iron cage over it, under which he could have thrown the bag, or pushed it through the place between the iron bars. So the bag was discovered there, with all the gold and silver taken out. His explanation about the blood could not be true if they believed Dr. Bolam, who said it had come upon the glove within less than a fortnight from the time he examined it. So far as the stain on the coat was concerned, prisoner might have called his wife as a witness. It was said there would have been more blood upon the prisoner had he murdered Nisbet.

Mr. Atkinson's Address to the Jury.

But, with one exception, the wounds would not bleed very much until afterwards. One of the curious features in this case was that two pistols were used. There were two different pistols, and, according to the gunsmith, the bullets must have been fired from two different weapons. Whoever committed the murder must have used two pistols. The automatic pistol was comparatively flat and short in length, and could be easily put into the trousers or coat pocket. What the other pistol was, he did not know. Whoever committed the murder might have thought it was necessary to have two pistols to complete this ghastly act of murder. He must have thought it necessary to commit this brutal act to use two of them, in order to secure the death of the man he intended to rob. Robbery was the motive of this murder. Money was to be obtained by the murderer after he had killed his victim; now they approached the question which threw some light upon the motive for committing this act.

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Counsel dealt with the prisoner's financial position, and said the evidence showed conclusively that the prisoner was in urgent need of the money at the time this murder was committed; and there had been no satisfactory evidence given to the Court of the possession of the large sum of money on the prisoner at the time of the arrest. It was, concluded counsel, a case of extreme importance, not only to the prisoner, but to the public at large. It was the sort of crime that would set a certain amount of terror amongst the community if they supposed people were not safe to travel in a railway carriage with another; but the verdict of the jury was to be given on evidence and on evidence alone; and, of course, he need not remind them that they must not find a verdict against the prisoner unless they were satisfied beyond all doubt that he was the person who committed the deed *

* The closing address to the jury on behalf of the Crown lasted about an hour.

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Mr. Mitchell-Innes' Address to the Jury on behalf of the Prisoner.

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MR. MITCHELL-INNES addressed the jury on behalf of the prisoner.* He was afraid, he said, he must ask them to listen to him for some considerable time, and he felt that they must be now almost exhausted by this case. He thought, however, he could claim their patient attention, as he would remind them that was the first, as it was the last, time he should have the opportunity of addressing them on behalf of the prisoner. His learned friend, Mr. Tindal Atkinson, in his concluding observations, appealed to them not to allow any extraneous considerations to weigh with them in coming to a conclusion in this case. He believed that they would not turn a deaf ear to that appeal. It would be idle for him to pretend that he did not know this case had excited a peculiar amount of public attention, and had been the centre of a great deal of public gossip and comment—most of it idle, all of it almost ignorant in the highest degree. It would be idle for him to pretend he did not know it. And there were good reasons for it. The manner of the perpetration of the crime, the place of perpetration, in a railway carriage upon a main line thronged daily by passengers in this north country, were features in it, and besides, the evidence upon which this case reposed was difficult and voluminous.

Whatever features there might be in the case, they must pay the most earnest attention to the evidence, and to the evidence alone, which had been laid before them. He rejoiced to believe that that was their attitude in this case, for, whatever had been said or thought outside about the case, there in that place, they stood in very different and far higher grounds. There, as their consciences would tell them, neither gossip nor prejudice might enter; there, irresponsible babbling was silent; there, there was no voice but the voice of the law reminding them that upon their word hung the life of a fellow-

* From the report in the *Newcastle Chronicle*, 7th July, 1910.



E. A. Mitchell-Innes, Esq., K.C.

Mr. Mitchell-Innes' Address to the Jury.

creature, reminding them that upon them was laid the double duty—the vindication of the innocent, no less than the conviction of the guilty; and reminding them that those who made a charge, before a conviction must follow, must bring proof of that charge, proof that destroyed all reasonable doubt in their minds as to guilt. That was a matter they had to address their minds to. Proof. Had that proof, or anything like it, been given in this case? There was another feature which he ventured to say was most remarkable, and it was this, that a very large portion of the evidence, indispensable as the ground work for that case, was furnished by the deliberate statement of the prisoner himself, not from any inference drawn from what he had said, or done, but from his deliberate statement put in evidence that day by the prosecution against him. That statement was made freely, openly, and readily of matters, many of them unknown to the police at the time they were made, matters which, some of them, they could not have proved at all except by the statement that the prisoner made. He wanted them to remember that, because he thought it gave some colour favourable to the prisoner. He wished them to keep that in their minds when they came to consider the facts. What were the facts which he referred to, of which the police were ignorant, necessary facts for the prosecution of that case, some of which, at any rate, had been verified, and many of which, with the exception to which he would refer, had been accepted by the prosecution, and put forward against the prisoner. Let him read a list of the things which the prisoner said on the 21st of March to Superintendent Weddell, and which had been used against him, and which had been either verified or accepted as true. Firstly, that he knew Nisbet; secondly, that he exchanged greetings with him; thirdly, that he was going to Stannington, although his statement was the only evidence; fourthly, that the train passed Stannington; fifth, that he got out at Morpeth. The only evidence as to that was that of Athey, the ticket collector, because although it was admitted now that prisoner was the man, Athey was not willing to swear that he was the man.

Consequently, the direct and conclusive evidence that he got out at Morpeth was the evidence of himself. Next was the statement that he met a man called Ellhott, and spoke to him.

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That fact had, again, been verified. There was no doubt about it, and about the rational and quiet way in which the prisoner spoke on that occasion. There were three facts, two of them referred to in that statement and one of them outside it, and which, perhaps, formed the main grounds of difference and of difficulty as between the prosecution and the prisoner in that case. It was not accepted by them that he got into the hinder part of the train, and it was not accepted that he went by Stannington by mistake. They said it was to murder the man that he went by Stannington by design. It was not accepted by the prosecution—in fact, it was vigorously denied that the prisoner's account of what happened to him in Morpeth was true. They had now to deal with the first two questions—whether he got into the hinder compartment and went by Stannington by mistake. The first two questions brought him direct to the evidence of the witnesses Raven, Hepple, and Mrs. Nisbet. There was no doubt whatever, as far as Raven's evidence was concerned, of the fact that these men were walking together to the No. 4 gate in the railway station. It seemed, having regard to the prisoner's statement on the matter, that there was a direct conflict of testimony, unless they (the jury) could find it possible to believe—as he suggested as a quite possible explanation—that if the deceased was walking, as Raven said, in company of the prisoner, he was not the first man, nor would he be the last, who had ever caught up or been caught up by a friend walking in the street or station, and who had walked side by side with the man without knowing he was there. Raven's evidence was that no conversation was going on, and that indicated that there might be something in what the prisoner said was true as far as his knowledge went—that if he was walking with Nisbet he did not know he was there.

In the evidence it was stated that both men turned through gate No. 4 to platform 5. They might very well have done so, but the prisoner was perfectly certain that he went into a urinal. Nisbet went up the platform, and the prisoner turned off to the urinal. It had been put against him that he said nothing at the time he made his statement on 21st March of going to a urinal, but it had to be remembered that at that

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time he was not charged with the crime, but had gone freely, of his own will, down to the police station to make a statement—to throw light on this matter, for he was innocent, as he (counsel) hoped to assist them to think—and did not even expect to be charged. He would not realise the importance of that detail until the case was brought into Court, and the evidence marshalled against him.

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So much for Raven. Now they came to Hepple. There was not the slightest doubt that between Hepple and the prisoner there was a collision of fact on the point of the latter having gone to the front of the carriage. He (counsel) frankly admitted that so far as giving evidence of what he believed to be true there was not one word to be said against the witness. He believed him to be an absolutely truthful witness so far as to what he thought he saw, but the question was what did he see? It was for them to say whether they thought it was possible that Hepple could have made a mistake. That was a plain issue. Counsel suggested that at the time between Hepple getting in his carriage and the prisoner arriving just in time to get into the hunder part of the train it was evident Hepple was not at the door of his carriage. If they were to believe Hall, two men came up, and Nisbet was the first to get in. There still lay upon the prosecution the burden of putting the prisoner into that carriage by evidence which it was possible not to believe.

As to the evidence of Mrs. Nisbet—with whom he expressed the most respectful sympathy—he wanted the jury to remember the history of the development of her identification, if it might be so called, of prisoner. Before the magistrates she said—"I could only say that there was a man there." The jury saw Mrs. Nisbet in the box, and he thought as men of the world they would not have the slightest doubt that at the time she appeared before the magistrates she must have been suffering intensely from weakness and distress. In fact, what happened proved that it was so. Her testimony was ended, and she turned to go. She suddenly fainted. Later she was recalled—she desired to make a statement—and then, for the first time, she said she had seen the prisoner's profile turned exactly in the same way she saw it in the carriage. How much of the

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As to Hall, he deliberately swerved from pledging his oath that the prisoner was the man, and that was the evidence, added to Mrs Nisbet's identification, on which they were asked to believe that this was the man who got into the train with the deceased Two bad identifications could not make one good identification. They might heap suspicions mountains high—they still remained mere suspicion. They might multiply bad identifications by the dozen Here they had got two They did not make one good one. The theory of the prosecution was that this murder took place between Stannington and Morpeth, and a number of witnesses had been called to speak to stations where no one had been seen in the compartment, and where people had left the train who could not possibly be associated with the crime.

His friend said, in opening, "Whoever was the murderer, I think you may take it he would get out of the train at the

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first possible opportunity." Where was the first possible opportunity? Mr. Tindal Atkinson suggested Morpeth. Mr. Mitchell-Innes Might he suggest, as a reply to Mr Tindal Atkinson's suggestion, that he could, and would, have got out of the train between Stannington and Morpeth? It was a slow train. There were six minutes between Stannington and Morpeth, and the distance was short. He agreed absolutely that a man would be mad, from his own point of view, if, having done this terrible thing in this carriage, he travelled on to a station of the importance of Morpeth, or to any station at all, with the body of his victim under the seat, and the floor and the cushions of the carriage dripping with blood like a shambles. Of course, there was nobody on the seats at Morpeth or at Pegswood, nor did the murderer get out at any of these stations. He had done the very thing that, of course, every man in his senses would do if he were in such danger as that. A man with the reeking witness of his crime locked up in the carriage would have escaped from it as soon as he could. That part of the case for the prosecution, he ventured to suggest, was of no value whatever.

The first remarkable thing about the murder was that two pistols were used. There were five shots, two delivered with one kind of bullet and two with another. It might have been that the first shots did not take deadly effect. If there was a struggle, as he suggested there was, was it not incredible that there should only have been one murderer using two weapons at close quarters? The reasonable inference from the presence of these shots, two kinds of bullets, was that two murderers did the deed. If two men did the deed, the whole story of the prosecution fell to the ground. Then consider the blood. When a big vessel was severed, the blood did not come slowly, but it spurted. Then these murderers had to push him under the seat. What was the evidence, after all the description of wounds and blood in the carriage, to connect this man with the murder? A grey glove was produced, with a small hole at the top of the thumb, on which was recent blood, and there was not one word of proof that that blood was human. The police got the prisoner's boots. The floor of the carriage was covered with blood. There was no suggestion of any

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stain of blood on the boots He suggested to the jury most emphatically that, so far as evidence of murder was concerned, there was absolutely no weight at all to be attached to these spots of blood

Coming to the point of what the prisoner did at Morpeth, Counsel observed that this was a station where news of the murder would be promptly telephoned over the whole system. Yet the jury had been asked to believe that the murderer spent some time in the neighbourhood of Morpeth; that he came back to the centre of danger, putting his head, as it were, straight into the lion's jaws; and that he absolutely did not take the trouble to catch the 1.12 train to make sure of it. If he had caught the 1 12 train he would have caught an express, and would have been carried straight away into Newcastle, and been lost in the city. But he did not take the trouble to do that. He came back to Morpeth, found he had just missed the train, lingered about, met somebody outside and talked to him like a perfectly rational being, and caught the 1 40—a slow train which could have been stopped at any station

Was it conceivable that the murderer would have gone back to Morpeth at all? He would have gone anywhere rather than back to the town and the station where the train had stopped, out of which he had got, leaving his murdered victim in the carriage, who must by that time have been discovered If they took the prisoner's behaviour from the point of view of being a murderer, he (counsel) frankly said it seemed to him absolutely inexplicable.

Attempts, he continued, had been made to associate this man with the crime by producing the bag which was found down the shaft of a pit. This shaft must have been inspected several times since 18th March, yet the bag was not found until the 9th of June. This suggested to him that the murderer, whoever he was, waited until the first hue and cry was over, until the first vigorous search had been made in the neighbourhood, and then went to the shaft—while Dickman was in prison That explanation, he submitted, was far more probable than the one which suggested that the bag was put down on 18th March by the prisoner. Then, no pistol was found. Of course,

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it might be said the man had time to hide the pistol; nevertheless, when there were absent from the case some of the most leading features of convictions of crime of this character, it was a matter to make a jury pause. Nothing whatever had been called to connect this man with the possession of the pistol.

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With regard to money, nothing more was found than £17. Did they honestly think there was anything in the point of the bank bag? The clerk admitted that the man had had an account with Lambton's Bank for years, and a similar bag to the one produced was found in a bureau at his house. Did they believe this murderer—this fiendish murderer—would have walked about with such proof of guilt? A whole mass of evidence had been raked together to prove that the prisoner was a betting man. Such he undoubtedly was, and, though he had been successful on the whole, he had had his "ups and downs."

He (counsel) wished to draw attention to the letter from Mrs. Dickman to her husband asking him for money. At that time Mrs. Dickman had £32 of her own—£17 in the co-operative stores and £15 in the Savings Bank. Prisoner gave a very fair account of this. He did not think he should be called upon to pay for certain things, and his wife did not think she should pay for certain things. She thought it was her duty to get out of him what she could. It was ludicrous to suggest that they were so completely without money that he should commit a crime so terrible as this. But that part of the case, he reminded them, did not begin to arise for their consideration, until they were satisfied that this man was the murderer. His connection with the crime must be completely established before the question of his motive for the crime could become even relative to their consideration.

There remained to be considered his account of how he passed the time at Morpeth. The prisoner had told them that he suffered from, and had been treated for, a painful disease; that he was suffering from it this morning. Personally, he (counsel) could not imagine why a man should not go into the country, knowing there were fields on each side of the road. He went into a field, spent half an hour or more there, and

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then, feeling too ill to go on with what he intended to do, returned to Morpeth—returned to Morpeth in pain. That was a statement which he (counsel) suggested was perfectly true. The statement of the prisoner was that of a man on trial for his life, with his back to the wall if they liked; but it was a statement made by the man to the police. He claimed it in his favour to say that, when he could have withheld direct facts absolutely necessary for the foundation of this case, and which was presented there as direct evidence on these facts—facts without which this prosecution would, at any rate, have been in grave danger and difficulty if it could have been got up at all. He asked them to remember the demeanour of the prisoner in the witness-box, and to ask themselves where any witness, after he had undergone such sorrow and suffering, such slow torture as he had undergone during the last three months, would have stood the searching cross-examination of Mr. Tindal Atkinson in the way he did unless he had been supported by a clear conscience. Considering this man's evidence, and remembering what he said before the charge was made against him, and the way in which he had stood the trial that day, they should think well before they came to a conclusion adverse to the prisoner. Let them remember the name that had been invoked to guide their counsels and to inspire their decision, and leave all extraneous matter out, and if they did these things, they would, he prayed most sincerely, come to a right and just conclusion *.

The Court adjourned.

* The speech for the defence occupied an hour and twenty minutes.

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Lord COLERIDGE—Gentlemen of the jury, the prisoner is ^{Lord Coleridge} indicted for the wilful murder of Nisbet on the 18th March in this year. However long many of you may live, you will never have a more anxious and critical task than is placed before you to-day. The prosecution allege, and undertake to prove, that the prisoner is the man who is the author of the death of the deceased.

At the outset I should like to mention, and dispose of, the question of the prisoner's means. It is quite inaccurate to say that it is necessary in the case of a crime to prove the motive. Many crimes are committed apparently without motive. Many are committed with what appears to be an inadequate motive, but if the facts are clear, the motive is immaterial. If the facts in this case were abundantly clear, it would not be wise for you to seek about to find a motive, but the prosecution allege that there was in the case of the prisoner an adequate motive. They say that plunder was the motive, and the only motive, for this crime. It is not alleged that the deceased man had any enemy; that he had done anything to mark him out for private vengeance, and it is in the fact that he was in possession of a large sum of money that you see the reason or motive for the crime which undoubtedly was committed. If the prisoner had been a man of ample means, and if the facts were clear and proved that he was the author of the crime, the apparent absence of motive would be immaterial.

But here the prosecution allege that if you are to ask for motive, if you think that the nature of the case requires that a motive should be put forward to explain the crime, then the prosecution say that the prisoner was in want of money. He was, some years ago, it appears, in a good position. He was

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the secretary of a colliery, and at that time it seems that he had received a substantial sum when that colliery was converted into some other company into the nature of which we need not inquire. But the prosecution allege that towards the end of last year, and throughout this year, there is evidence from which, if you believe it, you may draw conclusions that the prisoner was in want of money. It appears that some time ago, towards the end of last year, he asked a witness who has been called, of the name of Swinney, for a loan of £10. The loan was refused, but in the asking for that loan, the prosecution say you may assume that the loan was necessary. Again, in October of last year, it appears that he had business relations with a moneylender, a moneylender of the name of Cohen, and that he gave a bill or promissory note or some document of the kind, or at any rate he entered into a legal obligation in consideration of the loan to him of £20 to pay the ample, some may think exorbitant, interest of £1 a month, which is equal to 60 per cent per annum. That loan he had, as far as I know, up to the crucial date of the 18th March, never paid off. He had paid regularly this interest, and the last payment of the interest was the day before the murder. The loan was granted for a period of three months, and at the end of three months it was represented to Mr. Cohen, or his representatives, that he was unable to repay the principal, and another period of three months was allowed to be given, which, as I say, had not terminated at the time of the murder, and did not terminate, I think, until the month of May or June, and the last payment of the interest was made on the 17th March. The prisoner's explanation of that is that he entered into this obligation by way of an experiment to decide for himself, and I presume in the interests of the public, or the assumed interests of the public, whether or not this particular moneylender would be ready and willing to perform the obligations which he set forth in some advertisement of his. If that was his desire, his desire would have been satisfied the instant the loan was granted, and there would certainly have been no desire on his part to refrain from repaying the capital at the end of the first period of three months; and it does not seem consistent with his conduct to accept that, as the only explana-

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tion of the obtaining of this loan Then, again, we have it that on the 14th February, I think it was in this year, he went to a jeweller's, and there he pawned some jewellery of some value, a ring set with brilliants, studs, links, for the sum of £5. Those articles still remain to this hour in the custody of the person with whom he had pledged them, and the prosecution say, and have given evidence that the repayment of the £5 was difficult, if not impossible, on the part of the prisoner. Then we have the tripartite transaction between the prisoner, Mr. Christie, and Mr. Cohen. The result seems to have been that a sum of £200 was lent by Cohen to Christie, of which undoubtedly some portion—it is a little indefinite what portion; Christie puts it at about half—but it is not quite clear how much seems to have remained with the prisoner for the purpose of carrying on some mutual betting transactions which apparently failed. So far as I gather, with the exception of two smaller incidents, that concludes the evidence in regard to the prisoner's financial position. There are two or three other incidents. He appears to have pawned on the 1st March a pair of field glasses with a man of the name of Wilson, and the day before the murder he appears to have pawned another pair of field glasses with Messrs. Somerfield for the sum of 15s., those pawn tickets being, if I remember aright, discovered among his papers. He pawned them not in his own name, but in a fictitious name at a fictitious address, not that there is no such address, but that he did not live at it. He gave the name of John Wilkinson, 180 Westmoreland Road, Newcastle, a name that was not his, and an address at which he certainly never lived. Those field glasses, at the time of the murder, were not in his possession, because they had never been redeemed.

Such are the facts with regard to what I may call the outward incidents of his financial position. It has not been suggested that he had more than two banking accounts. One was a banking account in the National Provincial Bank, which was closed with a debit of 3s. The other was a banking account with Lloyd's Bank, which at the end of 1909 had been either closed, or at any rate all transactions were at an end in regard to it, with an even balance. That was his financial position,

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so far as he was concerned. His wife had two funds in which some money seems to have remained. When I say remained I mean to infer that at one time those resources had shown a far larger amount standing to the credit of the prisoner's wife than they did at the time and the dates when the matter is important, March, 1910. The Post Office Savings Bank showed on the 14th March, a few days before the murder, a balance of 10s. 9d. The Co-operative society, in which she had some money, showed on the 17th March a credit of £4, so that if we may take £5, or £6, or £7, so far as the evidence is concerned on documents, that seems to have been the only available resources of the prisoner. He says, and it is for you entirely to trust or not to trust to the accuracy of his account, that towards the end of last year he had been successful, though he had had his ups and downs, in his betting speculations. He avers that he still had, if I gather him aright, an available income—when I say income I mean an available capital—of something like £40 at the time that the murder was committed. For all that I am not saying that you ought not to believe it for that reason; it may be that the necessary facts and surroundings of the case prevent any further evidence upon the point, evidence which documents could discover, but it is a fact, of course, that upon that we have no testimony but his own, testimony not independent; but, as I say, you must not take it that that is conclusive against him. It may be that the circumstances of the case forbid the possibility of any further evidence on the point; but at any rate it is the fact that we have only his uncorroborated testimony of the existence of that £40 or £50, or whatever the exact amount may be, in his pocket available at the time of the committal of the murder.

There is this particular item of evidence which has still further to be brought to your attention, and that is a letter which was written by the prisoner's wife to the prisoner on the 25th January, 1910. That letter had been read to you, and you will recollect its terms. It is a letter which is all about money, and contains the expression that if further money is not forthcoming how to live "will be a poser." The suggestion on the other side is, that the wife and the husband were at odds as from what fund the money for necessary household

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expenses should be drawn. She was demanding that he should meet them, and he was demanding that she should meet them, and she could have met them if she would, because at that time the circumstances were slightly different from the circumstances in March, 1910, inasmuch as in the Co-operative society she had some £15 or £17, I forget exactly the amount, and in the Post Office Savings Bank she had a sum of £3 9s, which would come to something under £20. You have heard the arguments in relation to that. The arguments may have put a different complexion on that if you think they are of weight.

Mr. LOWENTHAL—There is one slight error. Mrs. Dickman had in the Post Office Savings Bank in January £15.

Lord COLERIDGE—You will forgive me, Mr Lowenthal, I think I am right.

Mr. LOWENTHAL—My friend asked me to correct it.

Lord COLERIDGE—I know it was so stated.

Mr. LOWENTHAL—Then we are wrong.

Lord COLERIDGE—If you all just look at it, I think you will find that on the 25th January the balance was £3 9s.

Mr. LOWENTHAL—I think that is right, and I beg pardon for interposing

Lord COLERIDGE—Will you ascertain whether I am right?

Mr. LOWENTHAL—Yes; it is 1st January.

Lord COLERIDGE—I agree that was so, on the 1st January; but the 25th was the date on which the letter was written. I may say, in the passing, if I make any error in any statement of fact, I only hope I shall be corrected. I desire to be correct in every particular.

Mr. LOWENTHAL—I know your lordship does

Lord COLERIDGE—I think I have dealt with that portion of the case.

As I say, if the facts are clear, the motive is irrelevant. If the facts are not clear, motive may explain what otherwise would be difficult of explanation. Upon those facts you must make up your mind, aye or no, whether or not you think, on the whole, the prisoner on the 18th March was in a position in which the sum of £370 was a most valuable acquisition. Now, gentlemen, I have dealt with that, and I shall not recur to it.

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First of all, we have a witness of the name of Raven, against whose character and against whose competence, whether from age, or sight, or hearing, or recollection, no serious attack has been made. Well, we have the witness Raven, who knew both of them, both the prisoner and the deceased. He knew them, at any rate, either by sight or by name, or by both. The name does not really matter. He knew them both by sight, and he stood on a particular spot, which has been marked by himself upon the map. As you, gentlemen, have not seen the map, I would be obliged if you would take it and look at the cross upon that photograph which indicates the position. (His lordship handed the photograph to the jury, in which Raven has placed himself as he stood with his face towards the refreshment room.) Standing there, he says this, "There were not many people there. I saw the deceased and the prisoner together, walking along together." He would have you to understand not as strangers who happened to be walking alongside of each other, but in the way in which two persons who have some sort of intercourse, some sort of knowledge of each other, some sort of companionship, would walk. They were coming towards him. They turned in the direction of No. 4 platform. They passed in at No. 4 gate, and passed behind the cigar divan which is there situated, which, on passing through, would enable them to reach the necessary platform, No. 5. "After they passed behind this divan I saw them no more." Can you trust Mr. Raven's observation? If Mr. Raven's observation be correct, he saw an account of the tragedy in the papers the same afternoon, so that attention was called to this fact hot-foot upon the observation which he made, he tells you what he saw, is it or is it not consistent with the prisoner's account? That is a matter which you, not I, have to determine for yourselves.

The next witness was the witness Hepple. Hepple was a man who had known the prisoner for twenty years, and could not, if he was sober and had his wits about him, make a mistake with regard to the prisoner, unless the prisoner has a double. He says that he went on to No. 2 platform, and that he selected a compartment. That compartment has been ascertained by one of those strange little facts which are so conclusive. He recollects that in that compartment there was a photograph of

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Brancepeth Castle. The train has been searched, and the only compartment which has a photograph of Brancepeth Castle is the last compartment of the third coach. If you look at that photograph you will see the figure of the witness Hepple standing outside the compartment which contains the photograph of Brancepeth Castle, and in which undoubtedly he travelled that day. Hepple, though he knew the prisoner, and had known him for twenty years, did not know the deceased by sight, but, standing and walking, as he did until the train left the platform, to and fro, three or four paces each way, waiting for the train to go off, he noticed the prisoner, and the prisoner passed him, and the prisoner went on towards the head of the train. If the prisoner did not repass him, his evidence is inconsistent with the prisoner's account—that he took his seat in the rear of the train. Not only so, but he says that the prisoner was in company with a companion, and although the companion was unknown to him, he says his companion was a slightly built man, and from the evidence which we have in the case, as compared with the prisoner, it appears that the deceased was a slightly built man. They walked past him in the direction of the engine. He took a turn, and while he took that turn his back was turned towards them. But he saw this. The train was just about to start, and he saw one of them, they being still in companionship, that is, the prisoner and the other man, with his hand on the handle of a door a long way up the train. Which particular door that was, of course, he could not tell you. It is a matter more or less guesswork to place the exact position of the door, but it is hardly a matter of guesswork to say whether it was a good way on in front or whether it was close to him, or to the rear of him. Some time afterwards an experiment was made. The train was drawn up in the same place. Hepple stood at the door of the same compartment in which he had travelled. The detectives, or porters, or whoever they may be, walked slowly in the direction of the engine, and he was to signal to them when they came to a spot about as far off as where he had seen these two men, of whom the prisoner was one, with a hand upon a door, just before the train started. They walked slowly, turned backwards, walked with their back towards the engine,

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and, singularly enough, when they got within a foot or two of the carriage in which the deceased undoubtedly travelled, the signal was given by Hepple that that was the approximate distance from him. Gentlemen, the only observation I have to make upon that is this. Persons may, of course, make mistakes about small matters; and if a person is particularly accurate in a particularly small matter, I should say that such evidence was rather doubtful, because persons are very often proud of their accuracy in proportion to their inaccuracy. But there are two features in regard to Hepple's evidence which are not features which can be characterised as small pieces of accuracy. One is, did the prisoner get into the train, broadly speaking, a good way off in front of him, or close to him to the rear? That is not a minute piece of accuracy; that is a matter of general observation. If he got into the train anywhere near where Hepple says he saw him in the act of getting in, then it is clear that the prisoner is wrong when he says that he travelled to the rear of the train. If Hepple is accurate in saying that the prisoner was accompanied by a companion, in the sense that he was obviously talking to him, and obviously known to him, and walking in company with another man, and if the result of his observation leads you to conclude that the prisoner and the other man, whoever it was, got into the same compartment, whichever it was, to travel together, then it is clear that the prisoner's account cannot be relied on when he says that alone he walked up that platform unaccompanied, and, so far as any companionship was concerned, he travelled alone to Morpeth.

Gentlemen, the next witness is a witness of the name of Hall. I might say, in passing, that it seems to me to be fairly accurately proved that the first compartment in the first coach was a smoker, because in that compartment travelled the witness Bruce with another man. Bruce was travelling from Newcastle to Alnmouth, and Hall, whose accuracy has been impugned, says and corroborates Bruce that the first compartment was a smoker. It is clear that the prisoner did not travel in that compartment, because Bruce was in it with another man, certainly not the prisoner. Did he travel in the second compartment of the first coach? Certainly not, because Hall was in the second compartment of the first coach,

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and in that compartment he travelled with Spink. As I gather, Lord Coleridge
Hall and Spink were on the same errand as the deceased, only happily the man who carried the bag, whichever it was, was accompanied, and not unaccompanied. Perhaps, if the poor man into whose death we are inquiring had had a companion this would not have happened. However that may be, Hall knew the deceased. Hall travelled in the next compartment to the compartment in which the murder was committed. He travelled in the second compartment of the first coach, and the deceased travelled in the third compartment of the first coach. Hall knew the deceased. He did not know, up to that time, the prisoner, but he saw the deceased, and he saw another man come along right up to the first coach. The deceased and this other man were in conversation, so no doubt could exist in his mind that the deceased had a companion, somebody with whom he was talking and with whom he was walking. What is the evidence as to that other man? If that other man got into that compartment as the deceased's companion, no one could doubt that he was the author of the deceased's death. Who was it? He was a man who had on a light fawn overcoat, so says Hall. On the 21st March—that is, three days afterwards—Hall was taken to the police station. What took place at the police station about which we have heard so much, but not too much? He was taken to the police station, and he was there confronted with nine other men. Of those nine other men the prisoner was one. Now, there are some persons, as I have said, who are so proud of their accuracy that in that very pride you may discover grounds for doubting it. There are other persons who are scrupulous, careful, conscientious, who do not want to be more sure than their mind and conviction justify, and will not go for any purpose beyond what they are satisfied they can swear to. My experience tells me that that class of mind is more to be depended upon than the mind of a man with a cocksure mind. You may depend upon it that, if he is sound and sensible and is of very good memory, so far as he goes he is a person who ought probably to be trusted. It is perfectly true that Hall did not pick out the prisoner in the sense that he came in and put his hand upon the man and swore to him. But he looked them up and down, and then he asked the policeman

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what he was expected to do. Now, he knew that he was there called in to do what was the most responsible thing a man could do, to recognise a murderer. In his hesitation, in his queries to the police officer, you may either see if you think fit, on the one hand, signs of a real doubt existing in his mind, or you may see signs of a hesitation, a momentary hesitation, to do that which must be so vital to the person whom he assumed to recognise. It is open to both views, the one view has been put forward by the prosecution, the other view by the defence. It is in the demeanour of the witness, his appearance, his character, the view you take of him, that will guide you as to whether to place him in one category or in the other. True it is that he asked the policeman what he was expected to do, and then the policeman very properly said—"You are expected, if you can, to point the man out whom you saw," upon which Hall said this—"I said I was not sure enough to bind myself by pointing out anybody. I wanted to know whether by pointing the man out I was swearing that he was the man who was with the deceased." But he did select the prisoner. That is the position of Hall. He has come into the witness-box here, and he has said that he did point out the prisoner as being very like the man, and that, as far as I gather, is as far as he is willing to go. How can you trust him to that extent? Is he mistaken or not? It is for you to say upon that evidence whether or not it comes to this, that the man believes the prisoner to be the man, but that he has not sufficient confidence in the accuracy of his observation to swear to him positively in so momentous a matter. He said that he was like him, and so far as he was concerned, if he was told that the murderer was among those nine men, he would not therefore be so trammelled, and that he would have no hesitation in pointing the man out. I have tried, I hope with success, to give what I think is the fair judicial interpretation of his evidence. You may see fit—it is your province—to take a totally different view. You may think it is entirely satisfactory; you may think it is entirely unsatisfactory. It is entirely for you to say what view you take of that evidence. The train proceeds and it gets as far as Heaton, and there the deceased's wife comes to meet the deceased. Apparently he is in the habit of travelling towards

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the rear end of the train. She meets him every fortnight when he goes. It is her custom. She awaits him on the platform at the customary part of the train. On this occasion the deceased is not travelling in the customary part of the train, and owing to that she nearly missed catching sight of him at all. Just before the train is about to start she sees him. I think he puts his head out of the window. She runs up to him; she has a few moment's conversation with him, and she observes this, that there is one man in the compartment with him. I will deal with that piece of evidence in another conjunction a little later on. She observed at Heaton only one other man. There is a shadow cast by something going over the line, a bridge of some character, which cast a shadow on the man's face. She can only see his profile, and he is sitting in the corner at the further end, with his coat collar high up upon the neck, and therefore intentionally, I should think, concealing as much of his face as he could without attracting undue suspicion; because no one can doubt, whoever that man was, that he was in the train when the deceased was murdered. He was sitting on the seat facing the engine at the far end. He never moved. I think she says he was reading a paper. There came an inquiry. The deceased's wife appeared as witness. As I gather, she said in the casual glance she made she could not recognise him. She turned to leave the Court. As she turned she caught sight of the prisoner's profile. The result of that was that she instantly swooned away, because it struck her absolutely as being the profile of the man whom she saw in the carriage. Yesterday she came into the witness-box, and she went a great deal further than she has ever gone before. She says that, looking at him again, she is certain that he is the man who sat there alone with the deceased in that carriage. The question for you is, not whether she is certain, but whether she is right. It is to be said, and fairly said, that an identification thus growing is not to be trusted; that the woman is in a state of distress of mind in which the desire, the natural desire, that the person who has murdered her husband should be brought to account would lead her mind insensibly and gently from possibility to probability, and from probability to certainty. That is how it might be put on the one side. On the other

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side, it might be said that the more she saw the more she was sure, and in her positive assertion to-day, knowing what depends upon it, she can only be credited with an honest conviction, freed from all exterior motive, that she is speaking the truth when she says the man in the dock is the man that she saw in the carriage. So much for the deceased's wife. The train goes on to Stannington. Here the prisoner should have got out. He had booked, according to his own statement, and according to the evidence of Athey, the man who took the tickets at Morpeth, on to Stannington with a return ticket, because, as his account is, his desire was to see Mr. Hogg, who lived at Dovecot, and the next nearest station to Dovecot was the station at Stannington. He did not get out. He says he was so occupied in the betting news of the newspaper which he was reading, which was more than ordinary interesting because I think the Liverpool Handicap, or some important race, was to be run or had been run.

Mr. MITCHELL-INNES—The Grand National.

Lord COLERIDGE—The Grand National had just been run, and he was reading an account of it in the paper.

Mr. MITCHELL-INNES—I think it is of importance. The Grand National was to be run, and it was the calculation of the odds that was important.

Lord COLERIDGE—Thank you. At any rate, there was something in the paper which was more than usually attractive and absorbing, and that, owing to that, through inadvertence, he did not get out at the place to which he had booked. There was a man who did get out at Stannington. That was Spink. Spink was in the next compartment, and got out. He got out, and as the train passed—for, if I remember rightly, you have to wait till the train passes away before you can get out of the station—he saw the deceased sitting in the far corner, facing the engine. He was alive and well at Stannington. There was another man in the compartment, clearly the same man whom Mrs. Nisbet had observed at Heaton. He had a moustache and a black felt hat—that comes to nothing—and he was sitting opposite reading a paper. Therefore, it is clear, is it not, that at Stannington the deceased was alive and well, with one companion in the carriage. The train reached Morpeth, and at Morpeth a man called Grant got out. He

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was in the next compartment, towards the rear of the compartment in which the deceased was murdered, for he occupied the first compartment of the second coach. Lord Coleridge

Mr. LOWENTHAL—Grant got in there.

Lord COLERIDGE—You are quite right. He got in and returned the same day, but whether he got out or got in really does not affect what I was saying. When he got into this compartment of the second carriage he had an opportunity of looking at the compartment in which the deceased was murdered. His observation told him that that compartment was empty. If we believe his story, it is quite clear that between Stannington and Morpeth the deceased had been murdered, and that at Morpeth the murderer had got out, unless a suggestion be accepted which has been put forward by the defence, that the murderer had leapt from the train between Stannington and Morpeth. At Morpeth the prisoner got out. He had gone past Stannington, and he had therefore to pay excess fare to Morpeth. Here we take up the evidence of Athey, the man who took his ticket. Athey was called, and at the suggestion of one of you, if I may say so, most rightly and most wisely recalled. Athey does not pretend that he can identify the prisoner, although the prisoner undoubtedly passed him. But it does not matter whether he identifies him or not, because the prisoner's story is that he did pass him and did give him his ticket; but the important point of the evidence of Athey is this. He says that the man who passed him had on an overcoat. The prisoner has sworn that he carried his overcoat in his hand, and that it was not a light overcoat but a dark brown coat. Athey describes somewhat dramatically, in a way I should think, if he is an accurate man, that would commend itself to you, how the prisoner, because we can call him the prisoner, as it is admitted that he was the prisoner, though Athey does not recognise him, behaved. He said he had his ticket and his fare in his left hand, and he remembers some little edge of his coat hanging forward, so to speak, rather to prevent his hand getting out; he made some remark of that kind showing his attention was attracted to the fact that the prisoner had a coat on. He certainly had, it is suggested, his fare ready; and it is suggested on the part of the prosecution that the exact amount of his excess fare

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was suspiciously ready. However that commends itself to you, it is a matter for you and not for me; but if the suggestion of the prosecution be correct that in his right hand, under his coat, he was carrying a bag with £370 in it, it would not leave his right hand free for getting at his ticket or finding his change. His left hand alone would be free; and therefore the prosecution rather suggest that he, calculating the fare beforehand, got his ticket ready, and the exact amount of the excess fare, so as to be able to pass the barrier, utilising his left hand, and his left hand only. That is their suggestion. Of course, it is only a little fact, not a fact from which you should draw unmerited conclusions, but it is a fact which has been pointed out to you by the prosecution. There was no one in this compartment where the man was murdered apparently at Morpeth; Cosker says there was no one apparently at Longhirst; and at Widdrington, Yeoman, who knew the deceased well, and who had to look through the whole train, when looking over the front carriages, did not see the deceased. Finally, at Alnmouth the body is found under the seat.

I have pointed out that it is suggested by the prosecution that the murderer must have got out at Morpeth. Well, he certainly did not get out at Longhirst, because at Longhirst only Grant got out, another man whom Yeoman, the stationmaster, knows, and a woman; and they all three returned to Morpeth the same day and travelled from Morpeth to Longhirst and back. No suggestion has been made as to one of those three that it was the murderer. He certainly did not get out at Pegswood. Only two persons got out at Pegswood, and both were women, as the stationmaster tells you. The only suggestion, I suppose, is that he might have got out at the stations intermediate between Pegswood and Widdrington. There are two or three stations.

Mr. MITCHELL-INNES—Pegswood is the next station to Morpeth.

Lord COLERIDGE—Then Longhirst and then Alnmouth. It is the only suggestion that can be made, but I have not heard that it was seriously argued. In the meantime, what was the prisoner doing? His object, he tells us, was to go to see Mr. Hogg at Dovecot. For Dovecot, as I have told you, the station was Stannington, and Stannington was the station

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to which he booked. He said it was in connection with a new sinking operation at Dovecot. Hogg has been called. Hogg says that it is true that on two or three, it may be three or four occasions previously, the prisoner has visited him at Dovecot, coming out at Newcastle for the purpose. What the purpose or object of those visits was Hogg does not much enlighten us upon. He does not know; he knew him as a friend. He cannot tell you what was the exact reason; in fact, he can assign no reason for those visits. He says he came and chatted to him; but that he had no connection whatever with the sinking operations, and he certainly does not confirm the prisoner's suggestion that there was any connection between the prisoner and Hogg in the matter of the operations of sinking at Dovecot. He did not come as a rule by appointment. He certainly did not make any appointment on the 18th March, because Hogg was in Newcastle on that day, and so was not there if he had visited the colliery. It is pointed out to you, and it is suggested it is a significant fact, and it may strike you in that light or it may not, that the last visit that the prisoner made to Hogg was on the Friday a fortnight before. That is the very day upon which it was customary for the deceased to travel by that train, and travel with the money for the wages. I suppose the suggestion would be that the prisoner was either taking what might be called a trial trip for the purpose of laying his plans and seeing what time it took to do this, that, and the other, or it may be, as I suppose the prosecution would suggest, that he could not get the deceased to travel alone, and that therefore he was tracking him, and tracking him without result. Those are mere surmises to which you may attach no weight, but they are incidents which it is perfectly right that the prosecution should draw to your attention.

What is the net result, to sum it up, of the evidence so far? The net result seems to me, but it is a matter for you, to be this. Firstly, that the deceased was in the third compartment of the first coach; secondly, that he was murdered between Stannington and Morpeth; thirdly, that there was one man and one man alone in the carriage with him, certainly between Heaton and Morpeth; fourthly, that the prisoner, if you believe Raven, was seen with the deceased at the station

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at Newcastle in apparent companionship with him; fifthly, that the prisoner was seen with a companion getting into a compartment approximate at any rate to the one in which the deceased was murdered—that is, if you believe Hepple; but that it was not the first compartment of the coach, because Bruce was there and not the prisoner. Not the second compartment of that coach, because Spink and Hall were in that, and not the prisoner. Then, if you believe Hall, and I do not repeat what I said about his identification, because you have it in mind Hall points out (I will not say identifies) the prisoner as being the man who got into the third compartment at Newcastle with the deceased. That is the summary, I think, I hope, the fair summary, I believe the accurate summary of the evidence. Further, at Heaton Mrs. Nisbet saw the man, and you will recollect what I said about her identification. The result of that surely is this, if we believe it, unless we are to throw it to the winds, that the prisoner had a companion. He says he had none. If he says he had no companion when we know that he had, who was that companion? Have the prosecution satisfied you that that companion was the deceased or have they not? If they have, the rest of the case is not worth investigation. If you await further evidence, then all the rest of the case becomes material.

I now pass on to the rest of the case. The prisoner has given us an account of his movements. Though it may be perfectly true to say that an innocent man from stupidity or some desire to shield or conceal something that he wishes to conceal, gives a false account of his movements, yet in the proportion of the gravity of the case against him, lies the improbability that he would tell a false story merely to conceal something. Nothing is more momentous to him, if he be innocent, than to tell the truth. Therefore a good deal depends upon whether you believe, or do not believe the story of the prisoner's movements as recounted by himself. If you believe them, it is in his favour. It is a complete exculpation of the accusation that is brought against him. If you do not believe them, what assignable cause has he given for deceiving us? With those preliminary observations let me now draw your attention to the prisoner's own story of his own movements. Up to the time of his getting out at

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Morpeth no controversy arises. At Morpeth he found on the ^{Lord} opposite platform a train of the existence of which he knew, Coleridge waiting to take passengers to Stannington. His desire being to see his friend Hogg at Stannington, and his desire at the outset to travel as far as Stannington, and Stannington only, there was the opportunity at once to cross the platform, take his seat for Stannington, and be back at Stannington within ten minutes. He knew the train. He knew of its existence. He knew it had not left. But he does not. He goes out at Morpeth under the circumstances which I have recounted to you. He says this is the reason for his action, "As I had intended if I had gone to Stannington, to Dovecot, to have walked in to Morpeth in order to pass a drift or some sinking operations about half-way between Stannington and Morpeth, it did not matter to me which way I walked, whether from Stannington to Morpeth or Morpeth to Stannington, and I determined to walk from Morpeth to Stannington instead of from Stannington to Morpeth." That is the account that he gives of not going back to Stannington by the next train. He comes out of the station at 11.10, I think it is, and from 11.10 until twenty minutes after one no one sees him. That is common ground. Where did he go? He says he set forth on the walk to Stannington, and then he is attacked by some strange malady. I could not discover quite whether it was diarrhoea or whether it was constipation. He would seem to infer that it was a mingling of both which seems to me to be a mixture of opposites. In going along the road he had walked for some distance when this malady attacked him, and he got into a field. He cannot remember whether there was or was not a hedge between the road and the field, whether it was a high quickset hedge, whether he got over the railings, or through or under or past the quickset hedge, if any. It is strange obliviousness. It may be, as he says, that his pain was so extreme as to take from him the power of observation. He met no one. He lay down, I think, two or three times in this field, getting up at intervals and lying down again. He did not get as far as the sinking operation, the drift, which was half-way; therefore he did not get more than about a mile and three-quarters or so from Morpeth. Then he returned to Morpeth without having

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seen the sinking operations half-way or his friend Hogg at Stannington. He returned, so he says, to Morpeth, and he returned too late to catch the 1.10 back to Newcastle, and he had to wait until the 1.40. Recumbency being, according to him, the remedy for the malady of piles, from which he was suffering, he certainly did not seek the ordinary remedy. I presume that at the station of Morpeth there is a waiting room, if not a bench or a chair, but he goes out from Morpeth and walks up to the town towards the Newcastle Arms. There, some time about twenty minutes past one, he meets a man called Elliott and a police officer of the name of Sanderson, and passed the time of day with them.

Mr. MITCHELL-INNES—He was not a police officer.

Lord COLERIDGE—Very well, a man named Sanderson. It is said, why did not they call Sanderson and have thus ascertained that his statement in regard to Elliott was quite correct? They have ascertained, I do not doubt, that the prisoner is correct when he says that he met Elliott and he met Sanderson and talked to them; and he may be perfectly correct in saying that so far as Sanderson and Elliott were concerned he did not exhibit anything in his manner which aroused suspicion. Apparently he did not, or else I suppose he would have dilated upon that, acquainted them with his malady, or exhibited signs in his face of the sufferings he had undergone, because, according to him, he has put it forward in his own defence, that he appeared cool and collected in his manner. The prosecution say what happened after 1.20 is quite immaterial. What happened to him between 11.10 and 1.20 is the vital question in the case. Gentlemen, you have heard this story of this malady; you have heard his account of his walk, do you believe it? If you believe it, then clearly you must seek elsewhere for the murderer. If you do not believe it, what assignable ground has been put forward for this statement for facts which are no facts? Assignable ground consistent with his innocence I mean, because naturally a guilty man would seek in any way that he could lay his hand to to account otherwise than how they were spent for the spending of that crucial interval. Gentlemen, you have heard him, and I have no doubt that you have formed an opinion as to whether or not you

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can rely upon his story in regard to the passing of the interval. The story depends upon his evidence, and his evidence alone, for he did not use the lavatory at Morpeth going or returning. He did not acquaint anybody at the railway station with his malady; neither Elliott nor Sanderson whom he subsequently met. I know not how much this road may be frequented, it may be very little, but in fact he met no one on the road, and therefore has no corroborative evidence of his being on that road at all.

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Mr. MITCHELL-INNES—As you have been good enough to invite correction, may I remind your lordship that it is the uncontradicted evidence on behalf of the prisoner that he has in fact been treated for this very malady at the prison?

Lord COLERIDGE—I do not doubt that I am glad to be reminded of it, and I do not think anybody has disputed he suffered from piles. Of that I have no doubt. He said he was so treated in the prison, and I do not gather there is any contradiction, or that any question was put about it, that he had suffered from piles.

Now, gentlemen, I pass that by. I will say a few words about the important question which has been raised by the defence in regard to this, the defence, if I may say so, so discreetly, so fairly, so eloquently urged, and with such restraint. He made a statement to the police, and it is urged on his behalf, and I have no doubt you gave it due attention, that much of the story which we now know came from the lips of the prisoner at the time when he himself alone knew of it, and when the police were ignorant of it, and after it would have been difficult for the prosecution to patch the story up in the absence of the guidance given by the prisoner in his own voluntary statement. It is urged that behaviour like that speaks trumpet tongued in favour of his innocence, that no guilty man would so inculpate himself, and only an innocent man would make statements which would be available and useful to the prosecution in his own prosecution. What are we to say to that? A great deal depends upon what the prisoner thought the police knew. He did not know how much they knew. I am not saying this against him. I am only putting the argument hypothetically, you understand; and I am assuming for the moment without proof

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that he was a guilty man. He would know that to say he had not travelled by that train might be proved beyond demonstration to be false. He was known. He had travelled by that train before; it would be very strange if some one had not observed that. Does it commend itself to your good sense that a guilty man would have said as much truth as was possible without implicating himself in the crime? It was an innocent act to go by the train. It was an innocent act to travel by the train. He was known, and it might be traced where he got out; it might be traced where he had got his ticket. It was a perfectly innocent act to pass from the station, a perfectly innocent act to get out and pay the excess fare. All those facts are perfectly consistent with innocence. Would a guilty man who was a clever man, find it the best resource to tell all those facts which did not implicate him so as to prevent its being said that he told us anything that was false. It is true he travelled by the train. It is true we find that he got out at Morpeth. It is true that he took a ticket to Stannington. I do not want to suggest anything against the prisoner, but when you have an argument put before you, that in the fact that he made these statements, lies the strongest testimony to his innocence, I think it must be said that you may look at it if you think it right, under another aspect. It may be consistent with his innocence. It may be consistent with his guilt.

In regard to the murdered man, it is proved to demonstration that he was murdered with bullet shots, with four, I think, actually embedded in his head; either there is evidence of their having wounded him in the head, or they are embedded in his head. Certainly one, if not more, of the wounds must have been instantaneously fatal. The presumption is that one of them, at any rate, must have been inflicted when the man was crouching on the ground, holding up the collar of his coat to ward off an anticipated attack, because the bullet went through the back of the collar of his coat, and the bullet went into his brain. The place where it entered his brain was high up upon his neck, showing that the coat had been drawn up to ward off an attack. The direction of the wound was up, which looks as if the man was prone when the wound was inflicted. Another thing that is clear is this, that the wounds

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were inflicted by two instruments—that is, by two pistols, because they were inflicted by a small, nickel-plated bullet, and by a leaden bullet, and the two classes of bullet would not fit into the same bore. The first natural inference you would derive from that is, would you not, that the man must have been attacked by two persons, each holding a lethal weapon? As a matter of fact, it would appear upon the evidence, unless we are to disregard it in its entirety, one man and one man alone was the companion of the deceased in that compartment. If, therefore, you are of opinion upon the evidence—and I will not recall it to your minds—that one man, and one man alone, was in the carriage with that deceased man when he was murdered, it stands to reason, does it not, that, however unusual, the murderer must have used two weapons, unless one of the wounds was self-inflicted by the deceased, which is a suggestion that has never yet been put forward? But whoever committed this murder, clearly was a man who had thought it out beforehand, who had laid his plans, and it may be, though I know not, thought it would be safer, inasmuch as he travelled alone with the man, and was only seen alone with the man, to give some good ground for believing that, inasmuch as the murder was committed by two, in some way or somehow he was not one of the two, and in some way unexplained the man met his death unconnected with the murderer himself. One knows not what may operate exactly in the mind of a man, whoever he is, because whoever he be in this case, it was the mind of a man who had planned it, and had carried into effect a concerted, skilful plan, weighing the effect upon the public mind of this, that, and the other piece of evidence. Therefore, if we believe that the deceased had one companion, and one companion only, the argument that two pistols point to two operators fails to have any effective force.

Gentlemen, I pass by the question of the wounds, because that really has not been seriously contested.

You have one or two other pieces of evidence which are said to implicate the prisoner. On the 30th March, 1910, a fawn Burberry overcoat, which has been produced, was taken from the prisoner when he was in custody. On the left front, and you have seen it at the bottom, there was a very large stain.

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The doctor cannot pronounce what caused that stain. It was a stain that had been treated. It had been rubbed with something apparently in the nature of paraffin. That was shown by the slight, infinitesimal globules of the oil still remaining on the fabric of the garment. The edges of the stain, exhibiting a lighter texture from the rest of the coat, bore witness to the efficacy or want of efficacy in rubbing with some cleansing substance the injured place. Paraffin, while it does not necessarily erase marks of blood, prevents the chemical test for blood discovering its presence. Therefore, so far as that stain is concerned, there is no evidence that it ever consisted of blood. It seems to be an old coat, a well-used coat. We know very well that coats of that kind get stains upon them, and that when they get stains on them people try to rub them out, and in the absence of any evidence indicative that that stain was a blood stain, I would suggest to you that you dismiss it from your minds. It may be capable of a totally innocent explanation. He says that very likely some bicycle oil got on it. At any rate, it would be most unfair, and to the prejudice of the prisoner, to press the evidence in regard to that coat further than legitimately it should be pressed. I would caution you, if I may advise you, not to regard the coat as any evidence implicating the prisoner.

Then there are other two pieces of evidence of a like class. On the 21st March, 1910, a pair of grey suede gloves were taken or found—at any rate were taken—as belonging, and did belong, to the prisoner. On the palm surface of the glove, on the thumb of the left hand, appears a smear which chemical analysis pronounces to be blood. It can pronounce no more; it cannot pronounce whether it be human blood, mammal blood, or blood of fishes—but it is blood. It is not due to any cut upon the finger penetrating into the fabric of the glove, because the mark is from the outside and not from the inside. The glove has come in contact with blood. The prisoner says that on the occasion in question he was wearing tanned gloves, gloves which undoubtedly present no suspicious appearance at all. If it rested there, you might say why should you not believe him? But he further supplements that statement by saying that these suede gloves had been cast aside and not

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worn for, I think he said, three months; that he wore his tan gloves in their place. The doctor says that the blood which was found upon the glove was recent. It could not have got upon that glove three months before; it must have got upon that glove within a very short time of the 21st March, when the gloves were taken and examined. Asked how he could account for the glove, the prisoner says, "I cannot." It is urged that in this carriage the body when discovered was reeking with blood. Blood had poured from the head across the floor. It had poured from the elbow joint down behind the seat, and I think the expression the learned counsel used was that the carriage was a shambles. Gentlemen, it all depends, to my mind, upon how soon the deceased met his death. If there was a long struggle during which blood flowed freely, then I think it would be a fair thing to say that in a struggle with a desperate man who was bleeding from cut arteries, you would expect the murderer to exhibit signs upon his person of considerable effusion of blood; but not if the first shot, or the second shot, if not instantaneously fatal, stunned the victim, and made him motionless and incapable of resistance, then the man would only have the corpse to deal with. He might dispose of that as carefully as a murderer would, who was desirous of letting as little tell-tale blood as possible appear upon his clothes. It all depends upon that. If there was evidence of a fearful struggle, if the walls of the carriage were splashed in all directions, if the glass was broken, and the cushions of the seats hurled about, if they were loose, then I think the argument would be strong; but, in the absence of such circumstances, it is for you to say whether the argument is equally strong.

Then, again, there is the question of the trousers. The trousers which had been the subject of investigation were the trousers which, by the admission of the prisoner, he was wearing on the 18th March. Inside the left-hand pocket appears stains of blood. I do not suppose people who have listened to the evidence will doubt that those stains of blood were produced by the glove, still having wet blood upon it, being put into the trousers with the hand inside. There, again, the prisoner is asked to account for it, and though there may be a hundred

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ways of explaining blood dripping on the outside of your clothing, the suggestion of the prisoner that his nose bled may or may not commend itself to you as a satisfactory explanation of blood upon the inside of the pocket of the trousers. I cannot assist you further, than to tell you there is no explanation—with the exception that he explained that he was troubled with bleeding of the nose. But he has not put this forward specifically as an explanation, for he does not say, on such and such a day my nose did bleed, nor does he remember specifically blood falling on his glove and putting his hand into his pocket. The explanation which is put forward, at any rate, is vague, and other explanation he apparently has none. It is for you to say whether that explanation satisfies you as an account of the existence of those marks of blood. If it does, you are entitled to put that out of the case. If it does not, what does it tell? I leave you, gentlemen, to supply the answer.

Now, gentlemen, I believe that I have gone through, I do not say every fact, but if I have omitted any fact material or immaterial, supply it for yourselves and supply the argument which you base upon that fact. I do not pretend to have exhausted every item in this case.

The suggestion on the part of the prosecution is that between 11.10 and 1.20 somebody, the murderer, took that bag, ripped it open, and threw it down the Isabella pit. That is not disputed. There was the bag. There was everything gone but the 19s. in copper, bulky stuff that you would not carry away. All the gold and silver were gone, but all the papers relating to the distribution of the money were in the bag, which identified the bag beyond question as the bag which the deceased carried. If the prisoner did not go down the road to Stannington, where did he go? If you think he went down the road to Stannington, then you will acquit him, because it is quite inconsistent with the deposition of the bag in the Isabella mine. The prosecution do not suggest he carried the bag about him for days and then put it down. Although the mine, it is true, was not searched sufficiently to discover the bag until June, I do not suppose any one will doubt that the murderer, whoever he was, took the first avail-

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able moment to get rid of the evidence of his guilt The Lord Coleridge
prosecution say he carried the bag with him when he got out at Morpeth station I think the learned counsel for the prosecution invited you to say, if that was not proved, he was not the murderer. I do not know that that quite follows. I can understand, whoever the murderer was, having many ways of disposing of the bag. The bag might have been thrown intact on a selected spot on the railway, and afterwards searched for, recovered, and dealt with. It may be that the murderer, whoever he was, who certainly got out at Morpeth, may have thought that to come out at Morpeth without a bag would certainly tend less to his discovery than coming out at Morpeth with a bag containing £370 upon him. All that is left is vague. We know not how and when that bag was placed, and how and when it was ripped open. The prosecution say there was an interval between 11 10 and 1.20 unexplained by the prisoner, during which an opportunity could be afforded for the disposal of the bag. But there it is left. All I say, if you believe the prisoner's story of his movements on that afternoon, it is clear that he did not deposit the bag in the Isabella mine. If you do not believe it, you must ask yourselves where he went, what he did, and why he conceals it from us. It is perfectly true, as the prosecution say in this case, that this is a case of circumstantial evidence, and circumstantial evidence alone Now, circumstantial evidence varies infinitely in its strength in proportion to the character and variety, the cogency, the independence, one of another, of the circumstances; I think one might describe it as a network of facts cast around the accused man. That network may be a mere gossamer thread, as light and unsubstantial as the very air itself. It may vanish at a touch. It may be that, strong as it is in part, it leaves great gaps and rents, through which the accused is entitled to pass in safety. It may be so close, so stringent, so coherent in its texture that no efforts on the part of the accused can break through. It may come to nothing. On the other hand, it may be absolutely convincing. If we find a variety of circumstances all pointing in the same direction, convincing in proportion to the number and variety of those circumstances and

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their independence one of another, although each separate piece of evidence, standing by itself, may admit of an innocent interpretation, yet the cumulative effect of such evidence may be, I do not say that it is, overwhelming proof of guilt. The law does not demand that you should act upon certainties and certainties alone. In the passage of our lives, in our acts, in our thoughts, we do not deal with certainties. We ought to act—we do, in fact, act—on just and reasonable convictions founded upon just and reasonable grounds. Juries ought to act upon the evidence. The law asks for no more, and the law demands no less. Gentlemen, if upon a grave and careful purview of the facts any reasonable doubt assail your minds, the prisoner is entitled to go free. The prosecution are bound to allay such doubts and to convince you of the truth of the accusation which they bring. Ask yourselves, then, what is the cumulative effect upon your minds of so many, so varied, so independent pieces of evidence, all pointing, it is said, in one direction, all tending, it is said, to inculcate the prisoner, and the prisoner alone, in the commission of this crime. Summon to your aid your just and ordered reason. If it tells you that the guilt of the prisoner is reasonably proved, then the law and the oath which you have taken alike demand that you should act with firmness and with courage.

My duty is done. Yours remains yet to be fulfilled, and I pray most earnestly that you may be guided to the deliverance of a just and righteous verdict.

Mr. MITCHELL-INNES—My lord, your lordship may not have thought it worth while to mention that there was a suggestion, which I regard as serious, made by myself on behalf of the prisoner that the murderer may have leapt from the train between the stations.

Lord COLERIDGE—I dealt with that.

Mr. MITCHELL-INNES—I did not understand you did.

Lord COLERIDGE—I did mention that.

Mr. MITCHELL-INNES—I beg your pardon.

Lord COLERIDGE—You may take any documents you desire, gentlemen.

The FOREMAN OF THE JURY—Thank you.

The jury retired at 12.55 and returned into Court at 3.32.

The Judge's Summing Up.

LORD COLERIDGE—Gentlemen, before you give your verdict, ^{Lord} ^{Coleridge} there is an incident in yesterday's proceedings which I forgot to allude to. Learned counsel for the prosecution commented upon the absence of the wife as a witness for the defence, in connection with the allegation made by the prisoner that the wife had cleaned his coat. Such a comment is forbidden by the law to be made. I ought to have said so, but it escaped my attention for the moment. I attach no importance to the coat, and I think I indicated this to you; therefore, I forgot to add that such a comment made by the learned counsel ought to be banished from your minds, and not to influence your verdict. If you allowed that comment to affect your minds hostilely to the prisoner, I must ask you to reconsider your verdict, dismissing such comment from your minds. If you have not allowed it to affect your minds in any way, then you can deliver your verdict.

THE FOREMAN—It has not.

LORD COLERIDGE—Have you allowed it to affect you?

THE FOREMAN—We have not.

LORD COLERIDGE—Then that question does not arise.

THE FOREMAN—It has not been mentioned.

LORD COLERIDGE—I understand you have not allowed it to influence your minds.

THE FOREMAN—We have not mentioned it.

THE CLERK OF ARRAIGNS—You are all agreed on your verdict?

THE FOREMAN—Yes.

THE CLERK OF ARRAIGNS—Do you find the prisoner at the bar guilty or not guilty of wilful murder?

THE FOREMAN—We find him guilty.

THE CLERK OF ARRAIGNS—That is the verdict of you all?

THE FOREMAN—Of us all.

THE CLERK OF ARRAIGNS—John Alexander Dickman, you have been convicted of wilful murder. What have you to say why the Court should not give you sentence of death according to law.

THE PRISONER—I can only repeat that I am entirely innocent of this cruel deed. I have no complicity in this crime, and I have spoken the truth in my evidence, and in everything I have said.

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LORD COLERIDGE—Prisoner at the bar, this careful trial is now ended. The irrevocable decision has now been given. The jury have found you guilty of the crime of murder. In your hungry lust for gold you had no pity upon the victim whom you slew, and it is only just that the Nemesis of the law should overtake the author of the crime. The scales of justice are now balanced by the verdict which your fellows have pronounced; the punishment is death. I do not presume to judge you. I am nothing but the minister of the law, and in passing sentence I only do that duty which the law commands. That sentence is that you be taken from hence to the place from whence you came, and from thence to a place of execution, and that you be there hanged by the neck until you be dead, and that your body be afterwards buried within the precincts of the prison in which you have been last confined after your conviction, and may God Almighty have mercy upon your soul.

THE CHAPLAIN—Amen.

THE PRISONER—I declare to all men that I am innocent.

APPENDICES.

APPENDIX I

REX *v.* JOHN DICKMAN

THE COURT OF CRIMINAL APPEAL.

Before the LORD CHIEF JUSTICE, Mr. JUSTICE LAWRENCE, and
Mr JUSTICE PHILLIMORE.

Mr. MITCHELL-INNES, K C , and Lord WILLIAM PERCY for the
Appellant; Mr. TINDAL ATKINSON, K.C , and Mr.
LOWENTHAL for the Crown.

This was an appeal against conviction on questions of law and on reference by the Home Secretary under section 19 (a) of the Criminal Appeal Act.

Appellant was convicted of murder on 6th July, 1910, at the Northumberland Assizes before Lord Coleridge (J.), and sentenced to death. The date of the murder was 18th March, 1910.

Mr. MITCHELL-INNES, K C (with him Lord WILLIAM PERCY), for the appellant (under section 10 of the Criminal Appeal Act), who was not present—In addition to the grounds of appeal as set out in the notice of appeal, I submit that since the case is referred by the Home Secretary, all the facts are at large, and that it is for the Court to consider whether, upon the facts, the verdict is one that can stand. Appellant was called. He said he saw Nisbet at the Newcastle station, and never again. He travelled by the same train as Nisbet to Morpeth, there paying the excess fare from Stannington, which he passed by mistake. He walked to see a friend some miles from Morpeth in the direction of Stannington, was taken ill, rested some time in a field near the road, arrived at Morpeth at 11 6, and took the 1 40 back to Newcastle.

The ground of appeal in the notice were (a) misdirection ; (b) comment by the prosecution on the omission of the wife of the prisoner to give evidence for the defence ; (c) withdrawal of evidence from the jury. The misdirection and withdrawal of evidence involved the same point. The learned judge in his summing up dealt first with the question of motive. Evidence of motive cannot supplement the absence of evidence connecting

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the appellant with the death of the deceased. If the evidence is weak on that point, evidence of motive cannot be invoked to supply its place. Before ever the question of motive was reached, the evidence connecting appellant with the crime fell far short of what was requisite upon any criminal charge, and *a fortiori* on a charge of murder. The evidence as to identification by the witness for the Crown was in the highest degree unsatisfactory. The prosecution called witnesses to prove that appellant was the person who was seen travelling in the same compartment with the deceased, Nisbet, when the train left Newcastle. The learned judge's summing up on Raven's evidence amounts to misdirection. Raven spoke to seeing appellant walking with Nisbet at Newcastle station. My submission is that this was one of those cases where a man, walking to catch a train, either was overtaken by, or himself overtook another man, and then unconsciously walked beside him. It was proved that the two were not talking. Appellant was never conscious of being with Nisbet, and, further, though he had seen Nisbet earlier, he never saw him after leaving the booking office. Raven admits he never saw the two men talking, but the learned judge did not put this to the jury. Appellant further said that he first went to the urinal, and then up platform 5 to the hinder part of the train, and if his story, which on this point is consistent with Raven's evidence, is to be believed, it severs him from Nisbet's company at the important moment. Then there was the evidence of Hepple, an old and deaf man, who had for twenty years been a friend of the appellant. Hepple's evidence was no doubt given in perfect good faith, but clearly for the purpose of identification we have to rely upon Hepple's powers of observation solely. His evidence is to the effect that either appellant or his companion had his hand on the handle of the door of the compartment into which both were preparing to enter. The witness then says he walked down the platform for a few paces, and that when he turned round the two men had vanished. Therefore, having his back to appellant, he was quite unable to say with certainty what happened. Hepple's evidence had a certain force added to it by that of the next witness to identification, Hall; but if Hall's evidence is discredited that would materially affect the force of the evidence given by Hepple. Hall's evidence was that he (Hall), in the company of a fellow-clerk, entered the same train as the murdered man, and that he saw Nisbet and a companion, whom he did not know, get into an adjoining carriage. Three days later Hall was taken to the police station for the purpose of identifying the person he saw getting into the train, and he there pointed Dickman out as "very much resembling the companion" of Nisbet. More is now known about the circumstances attending the

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identification at the police station, and an inquiry on that subject was addressed by the Home Secretary to the Chief Constable of Northumberland. The reply from the Chief Constable I now propose to put in.

(The LORD CHIEF JUSTICE—That is not the proper way of bringing evidence before the Court.)

We now know that Hall, before purporting to identify appellant, had been invited to try and see him through a window, and that subsequently, before the identification, he had a back view of appellant at the police station. In view of the great gravity of the case, I feel I must ask for permission to put the letter in.

The Court refused the application.

Mr. TINDAL ATKINSON, K.C., for the Crown—Hall is in Court.

PERCIVAL HARDING HALL, recalled, and cross-examined by Mr. MITCHELL-INNES, K.C. (by permission of the Court), said that on 21st March he was taken, with another witness, Spink, into a passage at the police station, where some policemen in plain clothes were standing about. They were kept waiting for some ten minutes. Immediately after they arrived they were invited by one of the persons present, presumably a detective officer, to go outside and look through a window. Witness said he could not remember having had any conversation with the people in the passage, nor at that time did he discuss the appearance of the man whom he had come to identify. Witness could not explain why he was invited to look through the window, and he thought it a most irregular proceeding. He saw nothing through the window, and, indeed, thought he protested that it was ridiculous to expect him or Spink to get a view through the window. They were then taken to the door of a room, in and out of which a few officials were occasionally passing. It was on one of these occasions that they were asked to look through the slightly opened door. They did so. They saw a man sitting in a chair leaning over to another man, and apparently in conversation. The former man had his hat off, and wore a light overcoat. The witness saw the colour of his hair. The witness had no recollection of any conversation with anybody about the appearance of appellant between the time he came back from the window and the time he looked through the door. After this latter view of the man they went upstairs to the room where they were to identify the man. This was an hour and a half afterwards. When they got into the room he saw that the appellant was wearing a coat similar in colour to that worn by the man he had seen through the door.

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Further examined by Mr. TINDAL ATKINSON, K C., witness said that on the evening of 18th March, which was the evening of the day of the murder, he gave an account at the police station of the appearance of the man he subsequently saw at that station, and that he then described his overcoat as a light fawn overcoat. The impression the witness got in his view through the doorway almost led him to make up his mind that the man was not the man he had seen in the train, because the man at the police station seemed from a back view so much more massive. Spink and the witness had both discussed that at tea, and came to that conclusion.

(The LORD CHIEF JUSTICE—Although we have our own opinion as to what took place at the police station, we must say that the question of identification by Hall is not so important as it would have been had the case for the defence been that Dickman was not in the train at all)

Mr. MITCHELL-INNES, K C.—I do not propose to deal with the irregularity; but at the same time, although Hall denies that the view through the partially opened door assisted him in his identification, he did not see a man wearing a light overcoat, and was able to recognise the colour of his hair.

I now propose to put in evidence a statement made by Mrs. Nisbet in response to a request by the Home Secretary for information as to whether she had known Dickman by sight for a number of years.

(The LORD CHIEF JUSTICE—We have frequently declined to listen to statements of the kind you now suggest. No doubt the Home Secretary receives all manner of communications from interested friends or from the prisoner himself. The mere fact of their being addressed to the Home Secretary cannot make them evidence)

Mr TINDAL ATKINSON, K C.—I may say that Mrs. Nisbet is in Court

The statement was then allowed to be read on the distinct understanding that it should not be regarded as a precedent

Mr MITCHELL-INNES, K C.—The statement is this—"I am the widow of J I Nisbet, to whom I was married about eighteen years ago. I first knew the prisoner Dickman shortly after I was married, and then only by sight. I was never introduced to him, and never spoke to him. On 18th March, when speaking to my husband at Heaton station, the view in profile I got of my husband's companion did not enable me to identify him as any one I knew. On giving evidence at the Police Court I never saw the prisoner until I had finished my evidence, when I caught sight of him in the dock. He was in the same position, and I had the same view of his profile as I had in the train, and I then recognised him as being the same man. I then fainted, and was carried out of Court."

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My submission is that it is curious that Mrs. Nisbet, having a clear view of appellant's profile at Heaton station, could not recognise him; it was still more curious that she was able to recognise him in Court, when she was unable to recognise him in the railway carriage. Further, the debility and distress under which she laboured at the hearing before the magistrates made her evidence unreliable.

(PHILLIMORE (J).)—She does not say that it was Dickman she saw in the train; she says that the profile of the man she saw in the carriage was the profile of the man in the dock at the trial.)

Leaving the question of identification, I submit that the date when the bag was found is significant. The bag was found down an air-shaft as late as June. It was put there, I suggest, by the real murderer after the hue and cry had ceased. The air-shaft had been searched between the murder and June, and nothing found. Dickman could not have put the bag there, because he was arrested a day or two after the murder.

(The LORD CHIEF JUSTICE—One would think that a man would have destroyed the bag instead of keeping it and then putting it down the pit. He had from March to June in which to dispose of it.)

It is not impossible that the murder was committed north of Morpeth. The train was a slow one, stopping at five stations between Heaton and Stannington. It should have been put to the jury that there were thus five intervening stations at which interchanges of passengers could take place. The learned judge was under the impression that Stannington was the next station after Heaton. There is no identification of the appellant in the carriage north even of Heaton. The real murderer may well have left the train while in motion; yet the learned judge assumed that the theory of the murder taking place north of Morpeth was practically untenable.

(PHILLIMORE (J).)—There was doubtless plenty of opportunity for change. But appellant does not suggest that; he says, "I never changed carriages.")

I say that, having regard to the theory of the prosecution of continued identity from beginning to end, this was a point that should unquestionably have been left to the jury. Appellant's case, it is true, was quite different; he said he got into the carriage far behind.

It is true appellant took a ticket for a station short of Morpeth, but that he went as far as that place and paid excess fare. He therefore, by giving up a Stannington ticket at Morpeth and paying the excess fare, voluntarily supplied the prosecution with the means of identifying him. Appellant himself gave the police their first information on this point.

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He was not seen carrying Nisbet's bag at Morpeth, and it is a bag large enough to attract attention.

Again, as to the pistols; two must have been used, according to the prosecution, as the bullets found in the body were admittedly different; in other words, the murderer changed pistols. No pistol has been traced to the appellant.

That is the case for the appellant on the facts. On the law my submission is that section 1 (b) of the Criminal Evidence Act, 1898, the prosecution is forbidden to comment on the failure of the wife of the accused to give evidence, Counsel for the prosecution did comment on the fact that the appellant's wife had not been called to corroborate the appellant's statement that his wife had cleaned his overcoat. No doubt the jury were subsequently told that they were to dismiss the comment from their minds, and the foreman answered that they had not paid the slightest attention to it. No one can say with certainty what the effect on the individual minds of the jury might have been. The statutory prohibition is absolute in its terms. My submission is that there has been a mistrial, or, as it has been sometimes put, that the trial was a nullity. Consequently there must be a *venire de novo* for a new trial. I refer to the judgments of the minority in *Aaron Mellor*, 468; 27 L.J.M.C. 121; 4 Jur. N.S. 214; 7 Cox C.C.; Dears, & B.C.C. 454, 1858, a murder trial where by mistake a person not called upon had served on the jury which convicted the prisoner. See also Fowler, 4B, & Ald. 273, 1821.

(PHILLIMORE (J.)—That decision has been explained in *Attorney-General for New South Wales v. Murphy*, L.R. 2 P.C. 535; 6 Moore P.C.N.S. 177; 38 L.J.P.C. 53; 21 L.T. 598; 17 W.R. 1047; 11 Cox C.C. 372, 1869.)

The Court of Crown Cases Reserved had jurisdiction to grant a *venire de novo*; *Yeadon*, L. & C. 81; 31 L.J.M.C. 70; 9 Cox C.C. 91; 7 Jur. N.S. 1128; 5 L.T. 329, 1861, C.C.R. By virtue of section 20, sub-section (4) of the Criminal Appeal Act, 1907, this Court inherits that jurisdiction.

Tindal-Atkinson, K.C. (with him Lowenthal), for the Crown, was not called upon:

The LORD CHIEF JUSTICE—This case has given us occasion for the most anxious consideration. We have examined very carefully all the evidence before the sitting of the Court, so that we might be in a position to appreciate all the arguments.

I desire to mention two points before dealing with the case itself. The first is the attempt to make communications to the Home Secretary evidence in this case. We are sitting here as a Court of law, and possess large powers in certain events which are only to be exercised on the consideration of legal evidence. We do not consider matters brought before

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us except upon such evidence. No doubt the existence of such correspondence may lead the Court to make further inquiries, and to require the production of further evidence. It must not be supposed, however, that the reading of such communications amounts to the giving of evidence. If it did, people would say that we had allowed our minds to be influenced by them. Therefore, we have confined our attention to the evidence given by Hall on oath. We did not think the other further evidence sought to be given was of any importance, and therefore we refused to allow it to be given. The second point I desire to take is that elicited from Hall in cross-examination by Mr. Mitchell-Innes to the effect that when he went down for the purpose of seeing if he could identify Dickman he was first invited by somebody, possibly on behalf of the police, to look through a window, and on doing so did see, sitting alone, the person who was afterwards convicted. We need hardly say that we deprecate in the strongest manner any attempt to point out beforehand to a person coming for the purpose of seeing if he could identify another, the person to be identified, and we hope that instances of this being done are extremely rare. I desire to say that if we thought in any case that justice depended upon the independent identification of the person charged, and that the identification appeared to have been induced by some suggestion or other means, we should not hesitate to quash any conviction which followed. The police ought not, either directly or indirectly, to do anything which might prevent the identification from being absolutely independent, and they should be most scrupulous in seeing that it is so. In the present case we have come to the conclusion that, although Hall's identification of the actual individual might have been slightly influenced by what had previously taken place, it has so little bearing on the real merits of the case that it is quite impossible for us to interfere with the verdict on this ground.

Now, it has been suggested by Counsel for the appellant that the murder might have taken place north of Morpeth—that is to say, after the appellant had left the train, it being admitted that in that case the murderer must have left the train while in motion; but there is no substantial ground for thinking that that was the case. The learned judge, in a summing up which is one of the most able I have ever read, dealt with that suggestion. It was not disputed that the appellant was in the train which carried the deceased man, that he took a ticket for a station short of Morpeth, but that he travelled as far as the latter place, where he left the train, paying excess fare, and that Nisbet's bag was found down the air-shaft of the Isabella pit, about $1\frac{1}{4}$ miles from Morpeth

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station, and rather nearer Stannington station than Morpeth; and also that the object of the prisoner's journey was to transact some business at Stannington.

I now come to a part of the case which will cause the greatest difficulty to those who may disagree with the conclusion at which this Court has arrived—namely, aye or no, was there sufficient evidence that the man who, between Stannington and Morpeth, murdered the deceased man Nisbet was the appellant? The evidence was entirely circumstantial, but circumstantial evidence derived from admitted facts proved against a person charged is often most reliable, because it is not likely to be invented, and if invented, would in all probability not fit in with the admitted facts.

We must exclude the fact that he left the train at Morpeth; we must not assume that because he travelled to Morpeth he was necessarily in the carriage with Nisbet. The crucial part of this case is whether there is satisfactory evidence that Dickman entered the same compartment with Nisbet at Newcastle. The evidence at Newcastle is, first, that of Raven, who had known the prisoner for eight or nine years and Nisbet for six years. He saw Nisbet and Dickman come along in the direction of Gate 4, and then did not again see the appellant. The main criticism on this evidence is that the learned judge did not call the attention of the jury to the exact evidence as to whether Nisbet and Dickman were talking together or not. Raven does not speak as to the men being actually in conversation. The theory that Dickman did enter the compartment occupied by Nisbet and then changed to a compartment at the back of the train may be dismissed; it is unlikely in any circumstances. Mr. Mitchell-Innes has pressed on us that because the men were not engaged in conversation that in some way or other throws doubt on the accuracy of Raven's evidence. But the appellant denied he was ever in the same compartment with Nisbet, and the jury were face to face with the contradiction between him and the other witnesses. It is suggested that Dickman went into a urinal a little beyond the bookstall. But looking at the thing in substance, in order to say whether or not Dickman got into the same compartment with Nisbet, it does not seem to us very important whether they were or were not in conversation, or whether Dickman was absent for some little time, and we think that if the learned judge had stopped to discuss such an incident as that it might have misled the jury. We are satisfied that this cannot, from any point of view, alter the result. Omission is not of necessity misdirection. The story is taken up by Hepple, who knew appellant well, and who had taken his place further back than the compartment in which

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Nisbet travelled, and then, as many of us have done, walked up and down outside his compartment for some minutes before the train started. He describes Dickman as going along with his companion; he cannot say whether they were talking, but they were walking in the direction of the engine. Now, if Dickman's defence had been that he never went by train, the argument of Mr. Mitchell-Innes would have been entitled to more consideration. But Hepple has known appellant for twenty years, and, after all, describes a very ordinary incident. The inference from his most natural story is that Nisbet and Dickman stepped into the train together. The theory of the defence is, that if Hepple's evidence is true, Dickman must have come back and got into a carriage at the back part of the train. But, assuming Hepple to be right, why should Dickman do anything of the kind? It is said Hepple is old and somewhat infirm; but he had known Dickman for no less than twenty years. Moreover, Mr. Mitchell-Innes does not suggest how any physical infirmity affects his evidence.

Then, again, Mr. Mitchell-Innes contends that the weight of Hepple's evidence depends on the accuracy of Hall's identification. I could not follow the argument. The recollection of Raven, Hall, and Hepple, was stereotyped in their minds; this murder is noised abroad, and they have to say what they happen to know about it. Even if you eliminate Hall, it does not weaken Hepple's evidence.

Hall's evidence is very important, quite apart from whether his identification at the police station was accompanied by the circumstances described. Hall knew Nisbet well as the Widdrington cashier, and knew the errand on which Nisbet was going. Hall speaks to a part of this case which cannot be said to be in dispute, viz., Nisbet and some one he did not know coming along towards that train and getting into the next compartment. There was therefore strong evidence that at Newcastle station the man who got into the train was Dickman; he was identified by all three men—Raven, Hepple, Hall. I have left Spink out; I do not rely upon Spink's evidence, but it in no way weakens the combined story of others.

Now, that is the case for the prosecution; they show that appellant entered the train in the part where Nisbet was. It was quite sufficient to call upon the prisoner for an answer, and when he does elect to give evidence, then what he says with regard to the incident is for the jury to consider. The result of the cumulative observation of these men is to throw doubt on his whole story. He absolutely contradicts the recollection of all these three men. There is no motive suggested why he should enter Nisbet's compartment and then change to another;

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it is far more important to observe that, assuming he was in company with Nisbet, there was no possible motive suggested why he should come back to the rear part of the train. Therefore the jury having heard it, the judge was justified in leaving it to them. The jury were therefore face to face with his contradiction in the crucial part of the whole case.

At Heaton, Nisbet is seen by his wife, and no one can doubt it from the way she tells the story. Her husband was in the habit of making this journey. She hurries up to Nisbet at Heaton station, and speaks to another man being there, but was unable to see him very plainly, for he had his coat collar up. She could not say who the man was; but on her examination before the magistrates she says she saw the appellant's profile, and thereupon immediately collapsed in consequence; finally, at the trial, she says there is no doubt at all about the matter. The passage in the summing up which refers to her evidence is not open to any criticism. At Stannington station Hall and Spink got out, and one cannot come to any other conclusion than that the murder took place between Stannington and Morpeth.

It is contended that the jury were directed that the train went directly to Stannington from Heaton without stopping, whereas there were several intervening stations at which other persons might well have entered the compartment or got out. But this does not really affect the question at all, when we consider what the appellant's defence was.

Lastly, we have an incident which is not more than an incident. If the jury had evidence before them that appellant got into the compartment at Newcastle, having a return ticket for Stannington, why did he go on to Morpeth? Then there is his account of it. If the jury were satisfied that there was evidence of his going as far as Stannington, it can scarcely be denied there was a strong case for him to answer.

Is there sufficient in Dickman's answer to throw on undisputed points such a doubt that we ought to say that there has been a miscarriage of justice or that the verdict was unsatisfactory? He says he was reading the paper, and allowed the train to go on without noticing it. It is pointed out, too, that the inspector at Morpeth saw no bag, but recollects that a man did get out and pay 2½d. excess fare. Whether there is a dispute or not as to that incident of the inspector and the bag does not seem to us of very great importance, for he need not have had the bag with him at that moment. The bag is found ultimately down the Isabella pit. It is contended that a doubt is thrown on the case because the bag was not found till June. But the lateness of the discovery does not materially affect the question.

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Again, with regard to the pistols, we cannot, in face of all the circumstances, think it is necessary for the prosecution to trace them to the appellant, nor that the case is at all weakened by so little of the gold and silver being found upon him. These are matters to which the Home Secretary might direct his attention. There is another incident which without these various other points might not have been sufficient. I refer to the blood stains on appellant's coat.

With regard to the point based on the comment made as to the not calling of Mrs. Dickman to speak to the stains on the coat, it must be remembered that it had been withdrawn from the jury, and they, indeed, stated, that they had not even spoken about it, so that it was impossible for the Court to support the contention that there was a mistrial. It was an accidental slip, such as must often occur, and its effect, if any, was removed before the verdict was given.

Upon the merits of the case therefore we are against the appellant. We have thought it right to examine the case with the greatest possible care, having regard to the fact that it rested on circumstantial evidence. We have no doubt that there was a substantial case for the jury showing that the murder was committed by Dickman, and there is no ground upon which we can say that the verdict was wrong. The appeal must therefore be dismissed.

Appeal dismissed.

APPENDIX II.

Chief Constable's Office,
Morpeth, 14th July, 1910.

Sir,—I am in receipt of your letter (191, 957/16) of the 13th instant, and, in reply thereto, I have the honour to herewith forward you copy of statement taken from Mrs. Nisbet by my Superintendent Weddell to-day.

With regard to Hall's identification, I beg to state that the Chief Constable of Newcastle-on-Tyne and myself have to-day seen both Hall and his companion Spink.

It appears to us to be the fact that while Hall and Spink were waiting in a passage, which was fairly full of police officers in plain clothes, that some loose talk went on amongst these men in this passage, and that some one suggested to Hall and Spink to go round and have a look in at the window of the

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room in which Dickman was then being examined, and that Hall and Spink did go round and looked in, but could only see tops of some human heads.

Hall alleges he was accompanied by a police officer in plain clothes, but Spink is equally certain that they went alone. Shortly afterwards both allege that the door of the room in question was slightly opened and some one—presumably a policeman—who was in the passage suggested to them to look in at the man. They say they did this, but only saw the back view of the man, and from that view Hall says he would not have identified Dickman as the companion of Nisbet on the 18th March, as the back view made him appear a much more thick-set man. He did notice that Dickman had on a light overcoat, and that the man he picked out later on in the day was wearing a similar one.

He further states, and is most emphatic, that the impression he got when looking through the door did not in any way influence him when he came to the "Identification," such as it was.

For it must not be forgotten that Hall's so-called identification has always been regarded as extremely weak. Both Mr. Wright and myself have very closely examined Mr. Hall and Mr. Spink this afternoon, and we find they both are certain that neither of them could recognise the officers who they allege they said made these suggestions.

In this connection we find that the incident as alleged took place between 5.40 and 6 p. m. in a partially lighted passage, and that in the passage at that time were at least fourteen officers of both county and city force congregated, and two N.-E. Railway police, most of whom were engaged in this case, and none of whom were in uniform.

Having regard to the inability of Hall and Spink to identify the police officer in question, we do not consider it necessary to collect all the officers who were probably there at the time (although we have to-day seen seven of the number, and all absolutely deny any knowledge of the incidents)

Three of the officers who were probably present are on leave (one of these being in Ireland), and two more are sick.

Of course, if it be desired, we could parade the whole number in a few days' time. It is only proper to say that several of the statements of Hall and Spink are at variance, one of the officers (known to Hall) and stated by him to have been present has now proved satisfactorily to us that he was engaged away from the office till some half-hour after the incident complained of.

May I be allowed to say that even if these allegations were true as represented, that Dickman then was not in arrest, and

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so far as the officers in the passage were concerned, they had no knowledge that he ever would be.

I have the honour to be,

Sir,

Your obedient servant,

(Sd.) FULLARTON JAMES,

Chief Constable of Northumberland.

The Under-Secretary of State,
Home Office,
Whitehall, London

APPENDIX III.

On Monday, 8th March, 1909, a Jewish moneylender, named Hermann Cohen, was discovered in his office with his skull battered in, and a dreadful wound in his forehead. When found the man was alive, but unable to make any statement to the police. A curious feature of the murder was that the little finger of his left hand, on which he usually wore a diamond ring, had been cut off.

APPENDIX IV.

(From the *Newcastle Daily Chronicle*, 22nd March, 1910.)

“Mr. A. G. Brocklehurst, 57 Tavistock Road, Jesmond, Newcastle, a commercial traveller, in an interview with one of our reporters yesterday, said that, about a fortnight ago he and several others were travelling by the 9 30 express from Newcastle to Morpeth, when between Annitsford and Stannington they were startled by a noise that sounded like revolver shooting. On letting down the carriage window and looking out they saw that the framework outside the window of their compartment was splintered, apparently by bullets fired from a revolver by a person in another compartment. Mr. Brocklehurst and his companions were travelling in the last compartment in the second carriage from the engine. Had the shots been fired from the outside of the train they would have gone into the compartment instead of glancing off”

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APPENDIX V.

KING'S BENCH DIVISION.

(IN THE COURT OF APPEAL.)

NISBET v. RAYNE & BURN.

Employer and workman—Compensation—Accident arising out of the employment—Cashier—Murder—Risks incidental to the employment—Workmen's Compensation Act, 1906 (6 Edw. VII., c. 58), sec. 1, sub-sec. 1.

A cashier, while travelling in a railway carriage to a colliery with a large sum of money for the payment of his employers' workmen, was robbed and murdered. On an application by his widow for compensation—

Held that the murder was an "accident" from the standpoint of the person who suffered from it, and that it arose "out of" an employment which involved more than the ordinary risk, and consequently that the widow was entitled to compensation under the Workmen's Compensation Act, 1906, sec. 1, sub-sec. 1.

Challis v. London & South-Western Railway Company, 1905, 2 K.B. 154, applied.

APPEAL against an award of the judge of the County Court of Newcastle-on-Tyne sitting as arbitrator under the Workmen's Compensation Act, 1906.

The main question raised by this appeal was whether murder was an "accident" within the meaning of the Act. The facts were very short and were as follows: The applicant was the widow of John Innes Nisbet, the victim of the Morpeth train murder, who claimed compensation from Messrs. Rayne & Burn, as the Stobswood Coal Company, for the death of her husband. The admitted statement of facts showed that Nisbet, in respect of whose death the application was being made, was a workman to whom the Act applied; that he was in the employment of the respondents at the time of his death, and was in receipt of £2 15s. a week; that his death took place on 18th March, 1910, whilst in the execution of his duty when he was carrying money to Stobswood Colliery on behalf of the respondents in a railway carriage on the North-Eastern Railway; and that his death was caused by pistol or revolver shots fired by some one other than Nisbet himself. The County Court judge held that the risk undertaken by Nisbet

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in carrying a large sum of money was a risk incidental to his employment, and likely to have been in the contemplation of the parties when Nisbet was engaged, and he accordingly made an award in favour of the applicant for £300. The respondents appealed

The appeal was heard on 11th and 12th July.

C. A. RUSSELL, K.C., and GRIFFITH JONES for the appellants.—In the first place, this murder was not an accident within the meaning of the Act. The tortious act of some third person, which had no relation whatever to the employment, is not an “accident” for which an employer is liable (*Armitage v. Lancashire & Yorkshire Railway Company*,¹ *Fitzgerald v. W. G. Clarke & Son*² In *Challis v. London & South-Western Railway Company*,³ which was relied on by the applicant, the question of accident was not argued. It was admitted in that case that there had been an accident, and the only question was whether it could be said to be an accident arising “out of the employment.” Death in this case resulted from the intentional act of the murderer, and intention excludes any idea of accident.

(COZENS-HARDY, M.R.—Suppose a gamekeeper is injured by poachers, could it be said that that was not an accident arising out of his employment?)

It would not be an accident. The keeper who had been deliberately hit on the head by the poacher would be the last person to describe his injury as accidental. The question of injury to a gamekeeper was very recently considered in *Anderson v. Balfour*⁴ by the Court of Appeal in Ireland, where the majority of the Court considered that compensation was payable. Compensation is not given for any injury a man may receive in the execution of his duty, it must be an injury by accident. The Police Act, 1890, specially provides for “injury received in the execution of duty.” The County Court judge seems to have been impressed with Lord Coke’s definition of an accident “as when a servant of an obligor, mortgagor, &c, is sent to pay the money on the day, and he is robbed,”⁵ but that refers only to relief in equity for non-production of the money or deeds at a given date.

The accident, if it was one, did not arise “out of the employment”; on this point *Challis v. London & South-Western Railway Company*⁶ is distinguishable. The risk of being murdered while carrying money cannot be treated as a risk incidental to the deceased’s employment. In all the cases the

¹ 1902, 2 K.B. 178.

² 1908, 2 K.B. 796.

³ 1905, 2 K.B. 154.

⁴ 1910, 2 I.R. 497.

⁵ 4 Co.Inst. 84.

⁶ 1905, 2 K.B. 154.

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fact that the act causing injury was tortious negated the idea that it arose out of the employment. *Armitage v. Lancashire & Yorkshire Railway Company*,⁷ *Fitzgerald v. W. G. Clarke & Son*,⁸ and *Collins v. Collins*⁹ are conclusive on this point.

DANCKWERTS, K.C., and J. R. RANDOLPH, for the applicant—This was clearly an accident, so far as the deceased was concerned. Neither the employers nor the servant ever contemplated that such an event would happen; the event was wholly unexpected, and is exactly within the definition given by Lord Loreburn (L.C.) in *Clover, Clayton, & Co., Limited v. Hughes*,¹⁰ “an unlooked-for mishap or an untoward event which is not expected or designed.” The unexpectedness must be on the part of the injured person. It was an accident that the deceased met the man in the train who shot him.

The carrying of large sums of money weekly was part of the deceased's employment, a more than ordinary risk which was undertaken by him, which must have been in the contemplation of the parties when he was engaged. Persons regularly carrying money about must run the risk of being robbed. The injury causing death clearly arose “out of” the employment and as incidental to it, just as in *Anderson v. Balfour*,¹¹ and as pointed out in *Fitzgerald v. W. G. Clarke & Son*.⁸

C. A. RUSSELL, K.C., in reply—Any one with anything to lose is always liable to be robbed, and, if he defends his property, to be injured, but that is not a risk incidental to any particular employment, and the accident must be reasonably incidental to the employment. Everything undesigned or unexpected is not an accident.

COZENS HARDY (M.R.), in giving judgment, after reciting the facts, said, “This was obviously a criminal act, whether robbery alone was intended, or whether murder was directly contemplated. The widow claimed compensation by reason of her husband's death. It is contended by the employers that this was not ‘an accident’ within the meaning of the Act, because it was an intentional felonious act which caused the death, and that the word ‘accident’ negatives the idea of intention. In my opinion this contention ought not to prevail. I think it was an ‘accident’ from the point of view of Nisbet, and it makes no difference whether the pistol shot was deliberately fired at Nisbet or whether it was intended for somebody else, and not for Nisbet.”

“The point was incidentally decided by this Court in *Challis v. L. & S.-W. Railway*, 1905, 2 K.B. 154, where an engine-driver was injured by a stone wilfully dropped by a

⁷ 1902, 2 K.B. 178.

⁸ 1908, 2 K.B. 796.

⁹ 1907, 2 I.R. 104.

¹⁰ 1910, A.C. 242, at p. 244.

¹¹ 1910, 2 I.R. 497.

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boy over a bridge. The very recent case of *Anderson v. Balfour*, 1910, 2 I.R. 497, in the Court of Appeal in Ireland is a direct decision on the point. A gamekeeper was attacked by three poachers and wounded. The majority of the Court held that the gamekeeper was entitled to the benefit of the Act, notwithstanding that the act of the poachers was criminal, and done with wilful intention.

"It remains, however, to consider whether the accident arose not only 'in the course of his employment,' as it clearly did, but 'out of' his employment. This really depends upon the nature of the man's duties, and the extent to which those duties involved him in special work, and in the case of the gamekeeper above referred to it was held, and I think rightly, that his employment was necessarily attended with special risk of assault by poachers. The only question which caused doubt in my mind is whether in the discharge of his duties Nisbet was exposed to special risk. Upon the whole I think he was. A man who is known to be carrying a bag of money is a tempting object for criminals to attack."

"The learned County Court judge has found that the fact that Nisbet carried the money in the bag was the reason why the robbery and the murder were committed, and that this was a risk incidental to the employment of a man to carry money about, and that it has been so from the earliest times. In my opinion the learned County Court judge was justified in that finding. I think the appeal fails, and must be dismissed, with costs."

(This report is taken from the Law Reports, 1910, 2 K.B. 689, by kind permission of the Council of Law Reporting.)

APPENDIX VI.

A SHORT ACCOUNT OF THE COUNSEL ENGAGED IN THE CASE.

EDWARD TINDAL ATKINSON—Called to the bar at the Middle Temple in 1870, taking a first-class and the certificate of honour. First practised in London in the chambers of his elder brother, Henry Tindal Atkinson, who became a County Court judge in 1901.

Localised in Leeds in 1873, where he rapidly acquired a very large practice. He returned to London in 1886. Appointed Recorder in 1897. Became Solicitor-General for the County Palatine of Durham, and Attorney-General for the same county in 1901. Appointed Chief Commissioner to hear

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the Worcester Election Commission, 1906. In the summer of 1907 was sent the Midland Circuit as Commissioner of Assize. For some time one of the leading members of the Bar Council. Leader of the North-Eastern Circuit for many years.

EDWARD ALFRED MITCHELL-INNES—Educated at Wellington College. Exhibitioner of Balliol College, Oxford. Called to the bar in 1894, joining the North-Eastern Circuit, on which circuit he soon acquired a substantial junior practice. Took silk in 1908.

CHARLES FREDERICK LOWENTHAL—Educated at Marlborough. Called to the bar in January, 1888. Entered the chambers of the late Attorney-General, Sir Lawson Walton. Joined the North-Eastern Circuit. Appointed the junior counsel to H.M. Commissioners of Work.

LORD WILLIAM PERCY—Educated at Eton and Christchurch, Oxford. Called to the bar in January, 1906, joining the North-Eastern Circuit. Read as pupil with E. A. Mitchell-Innes

THE RIGHT HON. BERNARD JOHN SEYMOUR COLERIDGE—Lord Coleridge, whose father was the first Baron Coleridge, and was Lord Chief Justice of England, was educated at Eton and Trinity College, Oxford. He was called to the bar in 1877, joining the Western Circuit; appointed junior standing counsel to the Bristol Joint Stock Bank in 1884; took silk in 1892, and was elected a bencher at the Middle Temple in 1894; sent as Commissioner of Assize, Midland Circuit, 1907; his success was such that no surprise was occasioned by his elevation to the bench.